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Begging the question

Multifaceted answer seen to problem of aggressive panhandling

By Jennifer Nislow

It is unlikely, experts say, that jurisdictions will ever be able to fully eliminate panhandling from their public areas. Yet those that are willing to commit to a labor-intensive process combining legislation with educational awareness and enforcement that is sensitive to the plight of the poor and homeless appear to have the best chance of significantly reducing the problem.

"The main law that needs to be passed in each jurisdiction is one that proscribes aggressive begging," said Michael Scott, a consultant with the Justice Department's Office of Community Oriented Policing Services and the author of the agency's problem-oriented policing guidebook on the issue.

"There are model ordinances in existence that can help jurisdictions craft the precise language that's likely to pass constitutional muster," Scott told Law Enforcement News. "Then there are laws that restrict begging to certain locations that are kind of inherently intimidating — around ATMs. It might restrict it around heavily traveled areas. Specific language is very important."

Some forms of solicitation are constitutionally protected as free speech, and thus laws that ban all panhandling would likely fail to withstand legal challenge, Scott said. Laws need to be "narrowly tailored" to prohibit aggressive begging, or to ban it in certain areas.

In cities from Winston-Salem, N.C., to Anchorage, Alaska, officials are trying to strike the right balance between protecting the rights of individuals to solicit donations, and those of motorists and passersby not to be bothered by aggressive panhandling.

City Council members in Winston-Salem have been struggling since last year to craft a law that would prohibit begging, but allow hawking by newspaper vendors. A new law proposed in June would ban people from accepting donations or money within 100 feet of an ATM or financial institution. It is a modification of a previous proposal that would have prohibited all panhandling on city streets and medians.

Also in North Carolina, the Greensboro City Council passed a law in March that limits those asking for money to the hours between sunrise and

sunset. They are also prohibited from lying about any military service and must keep at least three feet away from those they are soliciting.

A provision that requires panhandlers to obtain a city license has not yet been enforced. Before it can be, the city's tax department must have a system for collecting revenue and issuing the licenses in place, said Assistant Police Chief Anthony Scales, who served as interim chief earlier this year.

"It's not going to be something that we're going to be doing a big crackdown on," he told The (Greensboro) News & Record. When the measure is implemented, it will most likely result in the issuance of a warning and educating violators about the license provision, Scales said.

In Anchorage, a vote on an ordinance that would ban curbside begging has been delayed. The proposal is aimed at eliminating the practice of soliciting from motorists by stepping into the street to take money. Under an exception built into the law, groups or individuals who could post a \$500,000 bond or insurance policy could get a

city-issued permit twice a year.

"People say nothing's happened [because of panhandlers] yet," said the proposal's sponsor, Assemblyman Dan Sullivan, in an interview with The Anchorage Daily News. "We haven't had guns in schools yet. Does that mean we shouldn't have laws prohibiting guns in schools?"

Sullivan's original proposal, which raised constitutional issues of free speech, would have banned political sign waving and such activities as students hawking car washes from public sidewalks. Some have questioned whether the amended version satisfies any constitutional concerns.

"Mr. Sullivan has one anecdote," Assemblyman Allan Tesche told The Daily News. "That's not enough justification to restrict free speech." The law, he said, also presents a problem for law enforcement in terms of how to determine whether someone is standing sufficiently far from the curb.

According to the COPS guidebook on panhandling, the behavior falls into two types. The first is the passive kind

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As ex-cons roll back into town, some police stand ready to aid their reentry

With roughly 600,000 convicts being released this year, and at least that many getting out of the nation's prisons in the years ahead, federal, state and local authorities are paying greater attention to reentry programs that go much further than \$50 and a bus ticket.

There are a number of reasons why the issue has lately attracted the attention of policymakers, according to Jeremy Travis, a fellow at the Urban Institute and former director of the National Institute of Justice. Chief among them, he told Law Enforcement News, is the number.

A record 625,000 prison inmates will be released nationwide in 2003.

Two thousand former inmates are let back onto the streets of Washington, D.C., each year, and in neighboring Virginia and Maryland, approximately 9,000 and 14,000, respectively, returned in fiscal 2002. The national figure is more than double the 272,000 who were released in 1994, and quadruple the number from 20 years ago, Travis noted. "[It's] certainly a big part of the equation," he said.

The fiscal crises being endured by the states have also caused officials to take a hard look at incarceration policies, he said. And finally, with crime rates so low, it has been "easier in terms of the zeitgeist to focus on people in

prison, and think about that aspect of our criminal justice policy," said Travis.

Last year, the Justice Department's Serious and Violent Offender Reentry Initiative, in collaboration with 11 other federal agencies, awarded a total of \$100 million to all 50 states, the District of Columbia and the U.S. Virgin Islands for the development of reentry strategies.

Another indication of the growing interest in reentry initiatives was the national award received by an innovative New York City program from Harvard University's John F. Kennedy School of Government.

The program, La Bodega de la Fa-

milia, or The Family Grocery, was one of five winners of the Innovations in American Government Award for 2003. The initiative was launched in 1996 by the Vera Institute of Justice to test the premise that recidivism could be reduced by engaging the families of returning drug addicts under community-based supervision.

La Bodega is housed in a storefront in Manhattan's Lower East Side. Working in collaboration with the New York State Division of Parole, the city's Department of Probation, the Housing Authority and the Community Advisory Board, the initiative sets goals and ob-

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Bike patrollers help students on the road to fitness

Bike patrol officers in Norfolk, Va., are not only fighting crime, they are also fighting fat through a community program that helps overweight teenage girls get healthier and feel better about themselves.

Six years ago, the police department was approached by Layne Dyer, chairwoman of Norview High School's physical education department, to head up a bicycle program. Officers who patrol that area of the city donated mountain bikes and taught a group of students about bike maintenance. They rode around the school's track.

This year, the program was taken on the road. Since February, officers from the city's 2nd Precinct have been leading 18 girls on weekly rides. New bicycles for the program were purchased

with a \$2,500 grant from the Michael Jordan Foundation.

The teenagers were all part of the school's Health Habits class, and weighed anywhere from 152 to 313 pounds.

According to the federal Centers for Disease Control and Prevention, there are nearly three times as many overweight adolescents and twice as many overweight children as their were 20 years ago. The partnership between the police department and the school is the type of approach needed to get youngsters back in shape, public health officials say.

"When you're overweight, sometimes it's like you don't feel as good about yourself," said Melanie Boone, 16, who lost 37 pounds through the

program. "When you lose some weight, it's like, 'Oh my goodness, I have a shape, I look good in clothes!'"

In May, the officers took the teenagers on a 25-minute, end-of-the-season ride from the high school to Lake Taylor Transitional Care Hospital and back. With blue lights and sirens wailing, the group was escorted through busy intersections.

"I think it's cool that [the officers] are taking the time to do this for us," said 16-year-old Jessica Van Wart, who lost 20 pounds from the Health Habits class. "They didn't have to."

Officer Roger Whitley said he hoped the lessons the girls learned about fitness would stay with them. "It's something they can do the rest of their lives," he told The Virginian-Pilot.



Bicyclists from Norview High School have reason to smile after completing their end-of-the-season fitness ride with help and encouragement from Norfolk police bike patrollers.

Around the Nation

Northeast



CONNECTICUT — Twenty-three state police officers have been assigned to help patrol the city of Hartford, whose police department is about 60 officers short. After an outburst of violence in 2001, including a drug turf battle that resulted in the shooting of a young girl caught in the crossfire, Hartford's police accepted offers from state officials to use troopers in problem neighborhoods. Police Chief Bruce P. Marquis said he found the relationship with the troopers productive and hoped it would continue, but some Hartford officers see the troopers as a temporary solution to long-term staffing problems.

After an investigation of six employees suspected of sexual misconduct, the Orange Police Department has decided that only one of them, Officer Jose Tavemer, 33, will be allowed to keep his job. Tavemer's misconduct, unlike that of the others, did not occur while he was on duty or in uniform. Although the department has not detailed the misconduct, a criminal investigation involving some of the same employees is continuing in the neighboring town of Seymour.

DISTRICT OF COLUMBIA — An Amtrak police officer held onto a grenade in order to keep it from detonating after a would-be robber pulled the pin in an attempted holdup. The man walked into a shop in Union Station carrying the grenade, demanded \$20 from a shop clerk and then pulled the pin. The clerk, who did not believe it was real, alerted security officers, who then called Amtrak police. The officer held the grenade until the U.S. Capitol Police bomb squad arrived. The grenade was being tested.

MARYLAND — Howard County officials, worried that residents fleeing the Baltimore and Washington area could cause an influx of traffic into the county, have been preparing for an "invasion" in the event of an emergency. Under the plan, firefighters and police are responsible for moving traffic through the county.

MASSACHUSETTS — The Springfield Police Commission has directed that security guards at the Peter Pan bus station may no longer be armed, as they could endanger undercover officers they might mistake for criminals.

NEW JERSEY — In Hillsdale, the town's emergency alert system was used for the first time June 8 to warn hundreds of residents that a bear cub was spotted roaming the town. More than 200 homes were alerted in four minutes.

Newark Police Officer Melvin Lisojo, 35, was killed on June 24 when his car was struck by a vehicle running a red light. The police said the driver, Akram Q. Evans, who was arrested and charged with felony murder, was drunk. The crash occurred when Lisojo, who was riding as a passenger, and his partner were responding to reports of gunshots. The impact of the crash caused the unmarked police car to flip over on its side.

Facing attempted murder charges, Irvington officer Lakizzy Carson, 26, pleaded guilty to official misconduct in connection with a Memorial Day 2002 incident in which she fired her gun eight times into a crowd outside her home after she fought with a neighbor over a parking spot. The prosecutor has recommended a year in jail plus probation. In addition, Carson will be permanently banned from public employment.

The Newark Police Department recently named five new deputy chiefs, including one, Capt. Anthony Campos, who becomes the department's first deputy chief of Portuguese descent. The others are Robert Bauer, Bryan H. Morris, Kevin G. Schneider and Anthony J. Perillo.

NEW YORK — On June 25, New York City Mayor Michael R. Bloomberg and Police Commissioner Raymond W. Kelly announced a pilot program in which 10 grocery stores in Hispanic neighborhoods will be equipped with video cameras and panic buttons. A recent study showed that one-third of all home robberies and 45 percent of those committed at gunpoint were concentrated in just 10 precincts.

New York City police officials say that a recent decline in subway crime can be attributed in part to what police refer to as unannounced surges, in which officers hit certain stations en masse. From January through May, there were 1,276 felonies reported in the subways, compared to 1,503 during the same period last year.

For the third year in a row, legislators have apparently failed to reach a deal to soften the draconian Rockefeller-era drug laws, which set mandatory minimum sentences for even the most minor crimes. One sticking point in the issue is whether judges or prosecutors should have the larger role in the sentencing process. Gov. George Pataki is seeking increased penalties for felons who work as part of a criminal organization, or who use guns or children in the commission of their crimes.

PENNSYLVANIA — The acting chief of the Philadelphia police's Internal Affairs Division, Frankie Heyward, was removed from his position while an internal investigation determines whether he lives and insures his car outside the city. In Philadelphia, officers are required to live in the city, and Heyward is the official in charge of enforcing that regulation. Heyward, who owns a rowhouse in the city, said that he goes to visit his wife and son at their Montgomery County house every day but comes back to the city five nights a week to sleep there. Water Department records, however, show that there was no water use in his city home in July and August and only small levels of use during other parts of the year. Also, he insures his car in Montgomery County, where the rates are lower.

RHODE ISLAND — A federal judge has ruled that 14 police hopefuls must be admitted to the Providence Police Training Academy. The mayor and the police chief changed the list of candidates because they said the selection process had not been objective. The 14 candidates sued after they were left off the second list.

Southeast



ALABAMA — Oevin Moore, 18, was charged with capital murder in the fatal shooting of two Fayette police officers, Arnold Strickland and Cpl. James Crump, and a dispatcher, Leslie "Ace" Mcaler Moore allegedly grabbed an officer's gun and opened fire while he was being booked at the police station on June 7. He then fled in a police car but was later captured in Mississippi.

Dentists in the state are beginning to offer a product that, like DNA records and photographs, provides a way for parents to offer identification of their children in the event that they are lost or abducted. "Toothprints," the brainchild of a Massachusetts dentist, consists of a pliable plastic mold that takes impressions of teeth. Kerr Dental, the California company that markets "Toothprints," says it has sold more than a million of the kits nationwide.

FLORIDA — Pasco County Sheriff's Lt. Charles "Bo" Harrison was buried on June 7, the day he had planned to celebrate his retirement. Harrison, 57, was killed six days earlier by a high-powered rifle as he went to investigate gunshots fired outside a store. A 19-year-old suspect has been charged.

According to state officials, cocaine deaths increased by 18 percent in 2002 over the previous year, causing 427 deaths. Methamphetamine and GHB, the date-rape drug, were both found in fewer dead bodies last year.

Gainesville Police Officer Jaime Hope responded to a noise complaint at a bachelorette party on June 1 and was mistaken for a stripper. Partygoers thought the entire episode was a joke and that Hope would start shedding his clothing — only realizing the truth when he put the bride-to-be in the back of his squad car. The woman was wanted for violating her probation on an open-container citation.

GEORGIA — Crisp County deputies Willie Graham and Curtis Ludden were fired last month after the Georgia Bureau of Investigation investigated a claim of wrongful misconduct with a 16-year-old girl that was brought by the girl's mother. The GBI concluded that nothing criminal had transpired because the girl was old enough to consent to sexual acts.

MISSISSIPPI — As part of a "Five Point Plan to Fight Crime in Jackson," Mayor Harvey Johnson and Police Chief Robert Moore met with 27 members of the city's community policing task force for training at the Gulf States Regional Community Policing Institute. The institute provides training in such areas as community development and problem solving. Other elements of the crime-fighting plan include vigorous enforcement, interagency cooperation, programs for children, and professionalism in the delivery of police services.

TENNESSEE — According to the second annual survey by the state Bureau of Investigation, hate crimes decreased to 216 incidents in 79 jurisdictions in

2002, compared to 329 incidents in 92 jurisdictions the year before.

Memphis Police Officer John Chevalier made an unusually good impression on jury members when he testified in a recent aggravated robbery trial. After his testimony, the jurors and two alternates — all of them female — sent a note to the judge that read "We'd like to have him marked as an exhibit so we can have him back in the jury room during deliberations." The judge did not grant the request; the defendant was convicted nonetheless.

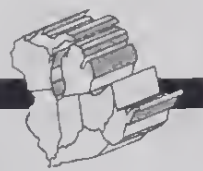
Gov. Phil Bredesen is expected to sign a law that would increase the jail time for methamphetamine manufacturers convicted of making the drug on public land, and require them pay for cleaning up hazardous labs.

After the April death of a mentally disturbed man who was being taken into custody and a May incident in which a doctor who pointed a gun at officers was shot and killed, the Memphis police are exploring options for nonlethal weapons. The department suspended the use of Taser stun guns in the early 1990s because of concerns that sparks from the weapons could ignite officers' pepper spray. An improved version can be used without the officer being affected by the electrical charge.

The Chattanooga Police Department has launched an internal investigation into allegations that someone in the department falsified the certifications for two of three new police dogs. The department requires all dogs to be certified annually by the U.S. Police Canine Association. The drug-sniffing dogs and their handlers have been reassigned from patrol duties pending the outcome of the investigation.

VIRGINIA — Chesterfield County Police Officer Ryan E. Cappelletty, 23, was shot to death May 28 after responding to a call about a man with a gun. The suspect was shot and killed by a second officer who arrived on the scene. The funeral for Cappelletty, who had been on the job for less than six months, was held in his hometown of Erie, Pa.

Midwest



ILLINOIS — On June 24, Chicago Mayor Richard Daley and police department officials announced a plan to redeploy officers in order to fight the city's rising homicide rate. The officers will be reorganized in a way that will focus on gang warfare. Chicago has tallied 236 homicides through May — an 11-percent increase over the same period last year.

INDIANA — Oaryl W. Carter of West Lafayette faces six months in prison after being charged June 20 with felony voyeurism. Carter admitted to using a digital camera attached to the tip of his shoe to take photos up women's skirts.

KENTUCKY — Two former Louisville police officers, Oaryl Wayne Brown and Richard L. Stephens were each sentenced to three years in prison June 18 after they were convicted of stealing \$468 in cash from a stolen vehicle. Both men's attorneys said they

would seek shock probation.

MICHIGAN — The Earth Liberation Front, a radical environment group, has claimed responsibility for setting fires in four luxury homes under construction in a Detroit suburb. Before the group posted the claim on its Web site, the possibility of its involvement was already under investigation by the FBI.

OHIO — Cincinnati city officials on May 22 approved a \$4.5-million settlement of lawsuits that accused the police of using excessive force in the 2001 race riots. The three days of rioting erupted after a white police officer shot and killed a young black man who was fleeing to avoid arrest on a misdemeanor.

Michael Woody, a retired Akron police lieutenant who is now an instructor for Crisis Intervention Team training in Ohio, said that throughout the country CIT-trained officers have cut SWAT calls by as much as 60 percent and have sustained fewer injuries to themselves. In Lorain, where some officers have already gone through the training, a recent incident with a mentally ill man has underscored the need for such training. Ronnie Untalan, a paranoid schizophrenic, stabbed Lorain patrolman James Wolford before another officer pulled out a gun and shot him in the heart, killing him. Untalan's relatives say that police were not properly trained to respond to the mentally ill and should have had mental health officials at the scene, while police say they should have been better warned by the family about Untalan's condition.

After pleading guilty to several crimes while in office, former Wapakoneta police chief Dave Harrison faces more than six years in prison. Harrison, who purchased obscene material depicting a minor on numerous occasions, admitted to charges of obstruction of official business, pandering obscenity and unauthorized use of city property.

WEST VIRGINIA — The number of calls to the Governor's Helpline for Safer Schools has more than quadrupled since its inception in 2001, with 394 calls logged since January 2002 ranging from reports of bullying and sexual abuse to weapons and drug possession. The anonymity of the service is said to remove fear for many people who fear retribution.

WISCONSIN — According to the U.S. Drug Enforcement Administration, the most available and abused drug in the state is marijuana, accounting for almost 80 percent of drug possession arrests and half of the state's drug sales arrests in 2000. Since 1992, adult arrests have increased by 33 percent and juvenile arrests by 176 percent.

The Madison Police Department intends to create community policing teams in each of the city's five districts by redeploying officers from the Dane County Narcotics and Gang Task Force and the city's Traffic Enforcement Safety Team. North District Capt. Mike Masterson said that most crime problems are district-related rather than city-wide and the new teams will be more proactive with citizens. Madison has a tradition of progressive policing initiatives, including the deployment of neighborhood officers in 1985 and the "Blue Blanket" response to gang violence and drugs in 1991.

Plains States

IOWA — Des Moines Police Officer James Butler caught a suspect wanted on more than a half-dozen warrants by borrowing the suspect's car. Butler was working a security job at a Wal-Mart store when he heard a loud car radio and saw the fugitive, Derrick Sanders, sitting inside a car. When Sanders saw Butler approaching, he jumped out and fled into another store. Butler jumped into the car and gave chase, using the car to block the back door of the store while employees blocked the front.

What started out as an act of good will by the police chief of Cascade on Feb. 6 ended up on June 20 with a man pleading guilty to federal drug charges. Chief Don Miyagawa stopped by James McClendon's apartment to drop off a load of vending machine sandwiches as a favor to him. Once there, he smelled marijuana and spotted drug paraphernalia. He obtained a warrant and returned to search the apartment, where he found more drugs, scales and cash.

MINNESOTA — A proposed ordinance that would restrict city workers, even police, from cooperating with immigration authorities has won committee approval in the Minneapolis City Council. The proposal was approved after testimony asserting that undocumented immigrants are afraid to contact city officials for fear of being reported to federal authorities, thus discouraging them from filing civil rights complaints or reporting crimes.

MISSOURI — The St. Charles City Council has rejected a proposal that would limit take-home police cars to officers who live less than 30 minutes drive from police headquarters. An alternate proposal that got more support but was narrowly defeated would allow officers living anywhere in St. Charles County to use a take-home car.

Former Pagedale police officer Carey Wells was acquitted of statutory rape June 18 after his defense attorney, Laronda Burse, put her own hair in pig-tails to demonstrate how females can make themselves look younger or older. Burse argued that the 15-year-old girl looked older to Wells when he had sex with her. The jury apparently agreed. After being charged last year, Wells resigned from the police department.

Michael T. Crane, a convicted sex offender whose case led to a landmark Supreme Court ruling, has been charged with committing rape. In the Supreme Court case, the justices ruled that states can keep sex offenders locked up even after their sentences end if it can prove the individual has "serious difficulty in controlling behavior." Crane was released in 2002 when doctors said that his mental condition had changed and he no longer posed a threat. Crane was arrested June 18 and charged with attacking a woman in her car.

NEBRASKA — Ringo, a police dog with the Hall County Sheriff's department, retired on June 17 after more than eight years on the job. The 12-year-old Belgian Malinois was deployed more

than 500 times in assisting 10 different agencies. He helped his handler, Sgt. Bryan Simonson, find 16 criminals and seize 17 pounds of methamphetamine.

The Bellevue Police Department plans to send out questionnaires to residents, soliciting their opinions of officers who responded to their calls. Deputy Police Chief John Stacey Jr. said that the department wants to ensure that it is doing a good job.

The state raised the age ceiling for its Amber Alert system, which will now be activated in suspected abductions of anyone age 17 or younger, instead of 15 or younger. The change brings Nebraska in line with the practice in four surrounding states — Kansas, South Dakota, Colorado and Iowa.

According to Lt. Keith Andrews of the Nebraska Clandestine Lab Team, the number of methamphetamine labs found in the state has increased from 18 in 1998 to nearly 250 last year.

NORTH DAKOTA — Officials say that several methamphetamine operations have been closed down thanks to help from store clerks who reported people buying everyday items used in the drug's manufacture. The clerks' participation is part of a state-sponsored program, the Retailers Meth Watch Program, begun last summer.

SOUTH DAKOTA — Since January, highway patrol troopers have seized thousands of pounds of narcotics and over \$1.8 million in drug-related cash from vehicles on Interstate 90. Officials say the highway is becoming an increasingly popular route for dealers moving drugs across the country.



Southwest

ARIZONA — Maricopa County has more than 70,000 outstanding criminal warrants, some of them dating back as far as 1970, according to a report in The Arizona Republic. About half of the warrants are for felonies including murder, child molestation and rape. Law enforcement officials say they lack the resources to track down the fugitives.

An investigation by the state Department of Public Safety has determined that former San Luis Police Chief John Miranda had been drinking alcohol while on duty and later got into a vehicular accident. The investigation also found that several officers knew of the accident and one even videotaped it, but the department did not investigate the incident as required by law. Miranda, who was demoted to sergeant after the City Council received the report, maintained that the DPS report was one-sided. State law requires that accidents causing more than \$500 in damage must be reported to the police.

John Montenegro Cruz, 33, has been indicted on a charge of first-degree murder for fatally shooting Tucson Police Officer Patrick Hardesty when the officer and his partner were trying to question Cruz about a hit-and-run accident. Hardesty, 40, was reportedly the first Tucson officer in 21 years to be

killed while on duty.

Maricopa County Sheriff Joe Arpaio has ordered that all suspected child molesters be segregated from the general jail population. The move came after a man accused of the attempted sexual assault of an 8-year-old girl was beaten inside his cell.

COLORADO — Boulder police have warned an Atlanta woman, Susan Stine, to stop sending emails that claim to be from Police Chief Mark Beckner about the JonBenet Ramsey case. While Stine said the messages, which were sent to people affiliated with the investigation, were clearly meant to be a joke, Beckner said that some of the messages were not obviously phony and could constitute criminal impersonation.

About 25 Pueblo residents with more than 10 unpaid traffic tickets have paid their fines, after a letter went out last month warning the violators that the city would publish their names on a Web site and broadcast them on the city's cable station. The city says it is owed an estimated \$30,000 from outstanding summonses.

A public petition-signing event was held June 8 in Fort Collins to support a proposed "Lacy Law" that would target police impersonators. Lacy Miller, a 20-year-old University of Northern Colorado student, was kidnapped and murdered in January by someone posing as a police officer. Although Gov. Bill Owens has already signed legislation that stiffens penalties for such offenders, the new proposal would focus on ownership of equipment such as police lights by people who are not emergency or law enforcement officials.

OKLAHOMA — In response to a newspaper inquiry, Tulsa police recently explained the best way to act in a situation if you are carrying a concealed weapon and are pulled over by an officer in a traffic stop. After the officer approaches and asks for your license and insurance verification, a police captain said, leave your hands on the steering wheel and say to the officer "I have a concealed-carry permit, and I do have a loaded weapon on me." The officer will then take whatever steps he or she deems best.

Authorities are trying to determine if two recent mailbox bombings in McAlester are related to the bombing of an FBI agent's mailbox. The FBI and the U. S. Postal Inspection Service posted a \$50,000 reward for information leading to the arrest and conviction of the individuals responsible for the May 4 bombing in the agent's mailbox. The FBI's McAlester Resident Agency has conducted several high-profile investigations in cases involving public corruption, drug trafficking, white-collar crime and civil rights violations.

TEXAS — After being arrested for selling cocaine, a man who won \$5.5 million in the state lottery was ordered to give up the prize because the winning ticket was purchased with drug money. Although the man's lawyer said that he bought the ticket from cash he made selling old clothes, a federal jury in Brownsville ordered that he give up the cash. He is awaiting sentencing for selling 36 grams to an undercover officer and could face life in prison.

Tessie McFarland, 23, has been sentenced to life in prison after she pleaded guilty June 5 to killing off-duty Bexar County sheriff's deputy Rudy Lopes II in 2000 during a cross-country crime spree with her boyfriend that left two men dead. McFarland admitted to luring Lopes into having sex with her before tying him up, stealing his money and then killing him. Last year, a jury sentenced McFarland's boyfriend, Joshua Maxwell to death.

Officials investigating the May 15 fatal shooting of Anderson County Sheriff's Investigator Shelby Green, 39, say he may have died from a self-inflicted gunshot wound. Authorities, who initially approached the case as a homicide, are awaiting the results of ballistics tests.

UTAH — An \$8,500 reward has been offered in Salt Lake City for information leading to the arrest and conviction of the so-called Avenues cat mutilator, who had so far killed and decapitated or otherwise mutilated eight cats. A small dog was also found dead and disfigured in the same area. Police and animal services officers are continuing their investigation.

Gov. Mike Leavitt says he fully supports honoring the Mexican ID cards called matricula consular, calling them a boon to homeland security. State officials say that issuing drivers' licenses to people who can provide valid ID is an asset to public safety. In 1998, about 20 percent of the state's drivers were uninsured; today, that proportion is less than 4 percent.



Far West

CALIFORNIA — The Los Angeles City Council voted to override Mayor Jim Hahn's veto of its \$5.1-billion budget package, in which the council had called for 400 new police hires. The Mayor, with the support of Police Chief William Bratton, had wanted \$17.9 million to be appropriated for the hiring of 720 new police officers. Bratton is the former police commissioner of New York City, where 36,500 officers police 8 million people. Los Angeles, with a population of 3.6 million, has 9,207 officers.

The Los Angeles Police Department's Professional Standards Bureau has concluded that Officer Edward Larrigan acted properly in 1999 when he fatally shot a mentally ill woman after she lunged at him with a screwdriver. The decision overturns a finding by the civilian police commission, which ruled that Larrigan had violated department policy and should be disciplined. The district attorney and federal prosecutors investigated the incident and declined to file charges.

The family of Los Angeles County sheriff's deputy Hagop "Jake" Kuredjian, who was killed by an ex-convict during an armed standoff following an attempt to serve a warrant, will receive \$650,000 in the settlement of a wrongful-death lawsuit. After Kuredjian was killed, the ex-convict, James Allen Beck, died when the house

caught fire. Beck and his mother, Donna, were named in the suit.

As required by a federal consent decree, the Los Angeles Police Commission has adopted a policy that requires officers who are involved in a use-of-force incident to be segregated from each other until interviewed.

Three female police officers have been awarded a total of \$3.5 million from the city of Glendale after alleging sexual harassment and discrimination on the job. The lawsuit claimed that sexually explicit videos were shown at roll call, superiors made unwanted advances toward the women, and the officers were also asked out on dates while they were still on probation. All three women claimed that they suffered health problems as a result of their treatment.

Los Angeles Police Sgt. Mark Ameson has been suspended for allegedly accessing confidential police databases for money, on behalf of a Hollywood private investigator who is facing felony weapons charges. The investigator, Anthony Pellicano, has been under investigation for his alleged involvement in an effort to threaten Anita Busch, a reporter who was investigating the actor Steven Seagal's alleged ties to the Mafia.

Fresno County Deputy Sheriff Joshua Lancaster was killed May 29 when his car was broadsided by a stolen vehicle being pursued by Sanger police. Lancaster was on duty at the time but was not involved in the chase. Augustine Zapata, the driver of the stolen car, has been charged with murder.

NEVADA — FBI Director Robert Mueller has apologized to Las Vegas/Clark County Sheriff Bill Young, acknowledging that federal officials should have told local law enforcement that Las Vegas might have been the target of a terrorist sleeper cell. Young said he learned about the plot only from a newspaper account of the trial of four accused terrorists in Detroit. During that trial, FBI special agent Paul George testified that he had come to Las Vegas earlier in the year to share information about the case with officials and casino operators. However, several ranking officials disputed George's statements and said they had never heard of him. [See LEN, April 30, 2003.]

OREGON — Bend residents may have to start paying fines for false alarms generated by their home security systems. Police Chief Andy Jordan said there has been an increase in false alarm calls in each of the last three years.

WASHINGTON — The Yakima City Council is considering a resolution to recognize the matricula consular — an ID card issued by the Mexican embassy to its citizens living in the U. S. Both the Yakima Police Department and the city's public library system support acceptance of the cards as a primary form of identification. The cities of Seattle and Renton already accept the card.

Police used pepper spray and made four arrests on June 2 during a protest at the annual training seminar of the Law Enforcement Intelligence Unit, held in Seattle. Protesters, who had a permit, said they object to the multi-jurisdictional group because it is too much like a secret police force.

Brake fires may ground Dodge cruisers

The fate of 140 2004 Dodge Intrepid police vehicles that have been ordered but not yet paid for by the Memphis Police Department rests on the results of tests the agency conducted in June after reports about brake fires.

According to David Thomson, the fleet/building maintenance manager for the department, the vehicles will be sent back if the brakes do not pass muster. The maker, he told *The Commercial Appeal*, will have to "eat them," if city and department authorities do not deem the cars safe.

Memphis plans to spend \$2.2 million to replace its aging fleet with the Dodge Intrepid. Each of the vehicles cost \$15,554, about \$1,000 less than the Chevrolet Impala and nearly \$6,000 less than the highly popular but problem-plagued Ford Crown Victoria.

The department buys approximately 250 cars each year, said Thomson. After three years or so, the vehicles have over 100,000 miles and have to be scrapped or used for less stressful tasks, he told *The Commercial Appeal*.

Tests were ordered after reports by the Nashville Police Department that the brakes in two Intrepsids that were tested had caught fire during high-speed stops. The city has rejected the vehicles and is now in the process of trying to get them back.

In April, Nashville grounded its new Intrepid fleet. Fifty-six of the vehicles had been ordered, and 50 already delivered when the two new cars were put through a simulated, high-speed chase on the third of that month at the Metro Police Training Academy. It was the second test conducted on the cars. During the first test in March, Rick McIlwain, the department's motor pool shop supervisor, described in a memorandum how the brake pads had been burned away. Both vehicles had to be towed to the shop, he said.

According to a memo from Nashville Metropolitan Attorney Francis H.

Young to David Sedgwick, fleet manager of Mt. Moriah Dodge, the dealership from which the cars were purchased, flames burst from the brakes of five of the 50 cars.

"Obviously, this is a serious safety concern and it prevents the Metropolitan Government from using any of these vehicles, since such a large percentage of the vehicles received are defective," Young wrote. "The fact that the invitation to bid and your response specifically indicated that the vehicles were to be used as 'police pursuit vehicles' makes this obvious defect even more alarming."

The letter goes on to say that after a 10-minute driving test attended by engineers from Daimler Chrysler, flames

NewsChannel 5.com. "If you have a crash and you have the fluids from the vehicle — especially gasoline — spill out and you've got an open flame, we've got some real serious safety concerns with that."

Lt. David Halliday of the Michigan State Police's Precision Driving Unit said that a road test at its track in 2003 also resulted in the Intrepid's brakes catching fire.

For the past three decades, the lieutenant said, the agency has been testing police vehicles — sometimes when the car is still in prototype form. What the testing assesses, said Halliday, is a combination of factors, including the vehicle's ability to accelerate and decelerate, its suspension, tires and

port the information and allow the agencies to make their judgments based on the information we provide. The reason that's important is a highway patrol or state police agency's use of a vehicle is going to be a lot different from that of a small town."

The Los Angeles County Sheriff's Department's fleet includes 40 Dodge Intrepsids from the 2002 model year, but they are used only in the Criminal Investigation Division, with no plans of deploying them as marked patrol units, according to the Nashville Police Department.

"I have received calls from Nashville, I have received calls from Memphis, and I have received calls from NHTSA," said Halliday, referring to the

lem worse.

City officials conducted tests on a Crown Victoria equipped with a plastic Trunk Pack, which is designed to keep the fuel tank from being punctured in a crash. A videotape of a 75-mph crash showed the vehicle's fuel tank being "split like a watermelon" by the plastic Trunk Pack, Johnson said. Roughly 7.6 gallons of fuel gushed out in one test, compared to 0.3 gallons that leaked in a similar test conducted by Ford last year of a vehicle without the Trunk Pack.

A Dallas lawyer representing Ford said the city's tests may have generated "incomplete information" leading to "a faulty conclusion," but Johnson said the test results on the vehicles with the Trunk Pack are solid.

"I can assure you that's not going in one of our police cars," she said of the \$250 Trunk Pack. "All three tests were conducted. All three tests failed miserably."

In June, Missouri Highway Patrol Trooper Michael Newton, 25, was killed while making a traffic stop on Interstate 70 near Odessa. His Crown Victoria cruiser was rear-ended by a pickup truck and he became trapped inside the burning car.

Lawsuits have been filed by Newton's family and the injured motorist he had stopped, asserting that the location of the Crown Victoria's fuel tank was partly to blame for the cruiser catching fire.

Newton's car, a 2003 model, had undergone fuel-tank modifications aimed at decreasing the likelihood of crash-related fires.

Since 1983, more than a dozen other police officers nationwide have died in crashes when the fuel tanks on their Crown Victoria cruisers caught fire after being hit from behind.

[For more coverage, see *LEN*, Sept. 15, Oct. 15, Oct. 31, 2002, March 15/31, 2003.]



A 2002 model Dodge Intrepid Police Special, part of the Griffith, Ind., Police Department's fleet.

were observed shooting out of the brake area of the vehicles. A Chevrolet Lumina and a Chevrolet Impala were put through the same test, said Young, and experienced no such problems.

The U.S. Department of Transportation is reviewing the complaints made by the city, said DoT spokesman Tim Hurd.

"Our pursuits may end in a crash, and that happens unfortunately all too often," said Calvin Hullett, president of the local chapter of the Fraternal Order of Police, in an interview with

brakes. A total of six categories are tested: acceleration, top speed, braking, vehicle dynamics or high-speed handling, ergonomics and fuel economy.

The vehicles are tested on a two-mile track with a 3,200-foot straightaway for high speeds, hair-pin turns, S-turns and uphill sections, said Halliday. On the last lap, as the vehicle was pulled into the pit lane, the left front-brake assembly was on fire, he told Law Enforcement News.

"We try and remain neutral and objective on this," said Halliday. "We re-

National Highway Traffic Safety Administration. "They had specific questions about performance and engineering, so we just tried to answer their questions."

In Missouri and Texas, meanwhile, the Ford Crown Victoria Police Interceptor continues to run into problems.

Dallas City Attorney Madeleine Johnson announced July 15 that a safety device designed by Ford to address fuel-leakage problems after rear-end collisions actually appears to make the prob-

Equal opportunity:

Women hear the call of bounty hunting

The job of hunting down bail jumpers is increasingly becoming one of equal opportunity for women, according to the trade association that represents the nation's licensed bail bonds agents.

Women now make up 50 percent of the more than 14,000 licensed bail agents in the country, said Stephen Kreimer, executive director of the Professional Bail Agents of the United States, based in Washington, D.C.

Digital, wireless & pocket-sized, fingerprinting heads out to the field

Instead of having to bring suspects to the police station to be fingerprinted, a new program in Portland, Ore., allows officers to carry with them on patrol a fingerprinting mechanism built into a device the size of a Palm Pilot.

The devices, made by Identix Inc., capture fingerprint images and transfer them wirelessly to a central server via radio or cellular systems. The images are processed and transferred to one or more databases to search for matches. In the case of the Portland Police Bureau, the prints will be run against the FBI's fingerprint database and the West-

Florida is one of the nation's leaders in curbing the excesses of "bounty hunters" through tough laws that prohibit them from breaking down doors in private homes and using other tactics to drag fugitives back to justice.

Some 25 percent of the bail agents in Broward, Monroe and Miami-Dade counties are female, according to estimates based on membership in the Bail Agents Independent League of Florida, said the group's director, Eduardo

Almeida. In all, the state has 1,955 licensed agents. The Department of Financial Services, which regulates them, does not know how many are female.

"In Florida, we have become a lot more educated, diverse in terms of nationality," Marih-Che Garcia, a Miami agent, told *The Miami Herald*. But, "you still have those agents we call 'The good old boys.'"

The surge over the past two decades is mainly due to technology. As little as

10 years ago, most bail bonds agencies were not computerized and most agents did not have computers, said Garcia.

"Now we have specialized software for tracking fugitives," she noted. "We also have the bracelets. We can put a bracelet on a client if he's a risky client. We've come a long way."

Said Linda Braswell, 57, of Stuart, Fla.: "I'm not going to outrun somebody that I can outthink. I'm going to sooner or later outthink you."

Braswell is considered one of the female pioneers in the business. She owns her own bail bonds agency along with her daughter and other relatives. In 2003, she was named bail bonds agent of the year by the national association.

One of the differences now, she said, is that the job is more dangerous. Thirty years ago, when she was starting out, there was more respect for human life, law enforcement and bail agents, Braswell told *The Herald*. "Years ago, if they knew they committed a crime, they had respect for the system."

After a bail amount is set, a bond company is hired by the defendant to post the amount so that the defendant can remain free until trial. The bond is returned to the company if the defen-

dant shows up for trial, and the agency collects a fee equivalent to 10 percent of the bond.

In the event that the defendant is a no-show, the company then must forfeit the full amount of the bond.

Women are better listeners, said Catherine Crespo, a Fort Lauderdale agent who has been in the business for 17 years.

"I'm very intuitive," she said. "I talk to my potential clients...and in the end I can tell how many times I've been lied to. Women tend to pay more attention to details in conversation."

While bond agents are armed, or at least carry pepper spray, drawing a weapon is a personal choice. The introduction of a handgun could cause a situation to get out of control, said Crespo, who is accompanied on some jobs by her two-year-old Rottweiler, Vincenzo.

"I'm very glad I did it," said Cleriece Thebeau, 51, who just got her license this year after nearly 20 years as a home-maker. "When you know you're going to pick up a fugitive, the anxiety starts. Fortunately, I haven't been on a pickup where there was a lot of resistance, or resistance with weapons," she told *The Herald*.

Red-light crackdown gets a bum rap

An undercover sting operation aimed at catching drivers who run red lights might have outraged some homeless advocates, but the Osceola County, Fla., Sheriff's Department defended the effort as an effective way of raising awareness about dangerous intersections.

The sting known as "Operation Vagrant," conducted by the sheriff's office and the Kissimmee Police Department, was part of a two-week statewide campaign at the end of May that targeted safety violations. In the past, the sheriff's department has dressed deputies up as construction workers or surveyors as part of Buckle-Up Florida and Click or Ticket, said Chief Jerry Geier.

"We came up with this idea of putting our deputies dressed as homeless people in the median of the highway, at an intersection where we get lots of people complaining about running red lights," he told Law Enforcement News.

Deputies wearing tattered clothes, fake teeth and pushing shopping carts were equipped with radio earpieces. When they saw someone run a light, they radioed ahead to colleagues waiting



Deputies posing as vagrants watch for red-light violators in Osceola County.

down the road who would make the stop and write the citation, said Geier. The deputies carried small cardboard signs that read "Sheriff's traffic sting in progress. Buckle up."

Some 171 drivers were caught in the sting for running the light — a violation that carries a fine

But homeless advocates were appalled by the

initiative.

"It's ironic that they would use a disguise of someone that people think of as visually offensive," Robert H. Brown, president of the Coalition for the Homeless of Central Florida, told The Associated Press. "I just think it shows that the community's aware of the homeless problem. I wish they would solve it, rather than masquerading."

In 2001, nearly 25,000 drivers were ticketed in Florida for running red lights, with 107 deaths attributed to drivers disregarding traffic signals.

Said Geier: "Obviously, we had a few advocates of the homeless people upset with our operation. But I can tell you it's probably four to one in favor and support of it."

One of those is State Representative Irv Slosberg, a Democrat from Boca Raton who is an advocate of stronger traffic safety laws. Slosberg's 14-year-old daughter was killed in a 1996 car accident in which she did not wear a seat belt.

"I admire them for being creative," he told The AP.

Cuff-linked policy:

Traffic-stop study prompts LV use-of-force changes

Prompted by a year-long racial profiling study that found blacks were handcuffed at more than twice the rate of whites during traffic stops, the Las Vegas Metropolitan Police Department in May implemented changes in its use-of-force policy, including restrictions on when handcuffs may be used.

According to the report, which was released earlier this year, blacks accounted for 11 percent of all traffic stops during the 12-month period studied, yet make up just 6 percent of Nevada's driving-age population. The findings were based on 386,000 traffic forms filled out by state and local police that asked officers to use their own observations to identify the race of the driver. They were also asked to note gender, age, the violation leading to the stop, its disposition and whether a search was involved.

More than two-thirds of stops were prompted by moving violations, officers

said.

In Las Vegas, blacks made up 28,300, or 15 percent, of the 182,000 stops made by metropolitan police, but just 8 percent of Clark County's driving-age population.

The report also found that black drivers were arrested at more than twice the rate of whites, and that police were more likely to search vehicles they were driving, although they were less likely to make a drug seizure as compared to stops involving white motorists, it said. Blacks and Hispanics were also more likely to be handcuffed at some point during the stop than were whites or Asians. Citations were issued in 70 percent of stops, said the report, but blacks were more likely to be warned than ticketed, it said.

"We found what most agencies found — minorities get stopped at a greater percentage than the majority

population," Assistant Sheriff Ray Flynn said in an interview with Law Enforcement News. "But what triggered us to really look at use-of-force was handcuffing. We found in some instances that minorities were cuffed three to four times the rate, and not being arrested."

The agency launched a review of its practices and found, surprisingly, said Flynn, that the use of handcuffs was not included in its policies.

"It's something we've carried on our belts since the beginning of time, we just never put in policy," he said. The use of handcuffs will now be classified as an act of force and be made part of the agency's force continuum.

Under the new guidelines, officers may use their handcuffs during a traffic stop on a suspect whom they believe to be dangerous, or who is physically uncooperative or who presents a rea-

sonable risk of fleeing. Handcuffs may also be used on a subject who matches the description of a perpetrator or when the stop closely follows a violent crime, or if police believe a violent crime is about to occur.

Most of the rules require that an officer be able to articulate why the behavior or circumstances led to an individual being handcuffed.

"This is a tacit acknowledgement that handcuffing practices out on the streets are a problem," Gary Peck, executive director of the American Civil Liberties Union of Nevada, told The Las Vegas Review-Journal.

The department has also gone ahead with Taser technology, said Flynn.

"All of the prior administrations, for whatever reason, weren't excited by it, or they didn't want to go to electronic devices," he said.

Agency officials believe that the use

of Tasers will reduce the number of officer-involved shootings, which led to seven deaths last year, and six deaths in 2001.

The department plans to spend \$50,000 on 60 Taser stun guns if its proposed budget for the next fiscal year is approved by lawmakers.

Flynn said a block grant is being sought to outfit the department's entire field services division with Tasers as part of a pilot program in one of its area commands. Additional federal grants of \$1 million would be needed to outfit all of the agency's 2,000 officers.

Court tells Muslim woman to face up to Florida driver's license photo requirement

A woman who claimed that her religious beliefs would be violated if she was forced to have her driver's license photo taken without a veil that covered everything but her eyes lost this month in court when a Florida circuit judge ordered that she would have to reveal her face.

Sultaana Freeman, a devout Muslim, had refused an offer by the Florida Department of Highway Safety and Motor Vehicles to take the picture in a private room in front of a female worker. Instead, she sued the state in 2001 after the agency revoked her license, nine months after the Sept. 11 attacks. A previous license showed only her eyes.

Judge Janet C. Thorpe said the state "has a compelling interest in protecting the public from criminal activities and security threats... having access to photo image identification is essential to promote that interest."

Thorpe agreed with prosecutors that if Freeman could keep her face off her driver's license, so could others planning to do harm. Freeman's right to exercise her religion, she said, would



A veiled Sultaana Freeman testifies in her lawsuit in Florida (r.). At left, her 1998 Illinois mug shot on a domestic battery charge.

not be burdened by the photo requirement.

Moreover, Freeman, who changed her name when she converted to Islam, has had her face photographed without a veil since she began wearing one in 1997. Born Sandra Keller, she was arrested in 1998 in Decatur, Ill., on a domestic battery charge involving twin 3-year-old sisters who were in her foster care.

According to city police records, Freeman and her husband, Abdul-

Maalik Freeman, had thwarted investigators from looking for bruises on the girls by claiming religious modesty.

She pleaded guilty in 1999 to felony aggravated battery and was sentenced to 18 months probation. Authorities removed the two children from her home.

Freeman's unveiled visage was posted on Court TV's Web site, thesmokinggun.com.

While very few facts about that case were allowed into evidence by Thorpe,

she noted that Freeman has been willing to be photographed with the veil many times. Eyes, she said, are facial characteristics of living beings.

Freeman's husband said the couple will continue to fight the state's policy. Their suit was supported by the American Civil Liberties Union of Florida, which said it would appeal.

"It's really a sad day for Americans," attorney Howard Marks told The Associated Press. "Hopefully, we'll look back at a decision like this in the future and realize this was a mistake."

Marks noted that non-photo licenses can be obtained in 14 states.

"Today's ruling runs counter to the most basic principles of religious freedom that give everyone — including the members of minority religious communities as well as majority Christian faiths — the right to practice and worship as they choose," said Howard Simon, executive director of the Florida ACLU.

State Attorney General Charlie Crist praised the decision, however, saying that there is "nothing more important than making sure our people are safe."

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Time to move on

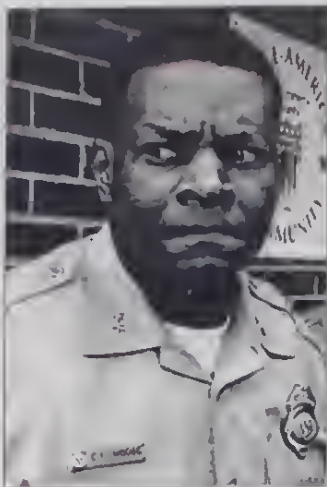
Faced with the choice of giving up his book project or remaining head of the Montgomery County, Md., Police Chief Charles Moose resigned last month, saying it was time to "move on and explore other paths in life."

The 49-year-old chief ran afoul of the county's ethics board in March. The panel, which regulates the jurisdiction's law on employees' outside work, had ruled that as a county employee, Moose could not profit from a book he was writing about the Washington-area sniper case. It also barred Moose from acting as a consultant on a television movie about it.

Moose not only led the investigation, he was the public face of the three-week manhunt that ended with the arrests of John Allan Muhammad and Lee Boyd Malvo. The two are accused of shooting 20 people, 13 fatally, in Louisiana, Alabama, Virginia, Maryland and the District of Columbia.

Moose's book, "Three Weeks in October," is scheduled for release in October 2003, one year after the deadly shooting spree. It has already been posted for advance sale on the Internet, although the legal issues surrounding it were unsettled.

Both the ethics panel and defense



Charles Moose

Book & movie deals beckoning

attorneys for Muhammad and Malvo contended that Moose's book could impede the trial by revealing confidential details of the case. Moose had said in February that he would seek the board's permission. When it was not forthcoming, Moose filed suit in both federal and county circuit courts, claiming a violation of his First Amendment rights and challenging the ethics board's refusal to grant him a waiver to right the book. He had also not received clearance from the ethics board for a teaching position he has held at Montgomery College's Rockville campus, or his paid service with the District of

Columbia Air National Guard.

The dispute was resolved on July 8, when Moose reached an agreement with the ethics commission that will allow him to go ahead with his book and movie deals, in exchange for dropping his federal and county lawsuits. Moose also agreed to pay the county \$4,250, the amount he received in consulting fees for the proposed movie.

Moose had been on active duty with a military police unit at Andrews Air Force Base, and was not expected to return to his post before his resignation on June 28. Assistant Chief Bill D'Toole was named acting chief by County Executive Douglas Duncan in April.

Moose reportedly received an advance of more than \$100,000 for the book from his publisher, Dutton Books. The deal was struck six weeks after the arrest of Malvo and Muhammad, when Moose also established a consulting firm to deliver motivational talks, organize team-building exercises and provide other help with crisis management and conflict resolution.

"The opportunities that were presented by the book were too good to pass up," said Duncan.

Duncan backed up the chief. At a news conference in June, he said that Moose had told him he felt he could not stay and write the book. Duncan disagreed, saying that he believed the board had erred.

"He felt this was the best for every-

one involved," Duncan told The Associated Press. "It would let him do the book and remove the cloud over it."

Moose came to Montgomery County in 1999 after serving as chief of the Portland, Ore., Police Bureau, where he began his law enforcement career. At the time, the Justice Department had been investigating the Montgomery department's use of deadly force in the wake of several shootings involving minorities. Of the county's 849,000 residents, more than one-quarter are members of minority groups.

Duncan credited Moose with shepherding the agency through a settlement with the federal government, as well as overseeing the sniper case.

Music man

In just five years, Hillsborough County, Fla., Deputy Sheriff Brian Alexander has gone from singing at agency functions to thrilling 15,000 people at Tropicana Field with his rendition of the national anthem.

The 48-year-old Alexander, a community service officer and member of the agency's hostage negotiation team, has no formal musical training. He does have perfect pitch, however. Alexander honed his skills singing in the church choir, with a high school barbershop

quartet and just around the house. At Christmas time, he has confessed to singing loudly to "D Holy Night" and "Amazing Grace" as he cleans.

But as word got around the department about his smooth tenor voice, he began to get more requests to perform. Much like his counterpart in New York City, Police Officer Daniel Rodriguez, those requests increased in the wake of the Sept. 11, 2001, terrorist attacks.

This past May, Alexander sang at the Tampa Convention Center for a crowd of 4,000 attending a law enforcement memorial luncheon. During an awards ceremony, he sang for Sheriff Cal Henderson and other police brass.

While his dream is to sing the "Star Spangled Banner" before a Tampa Bay Buccaneers football game at Raymond James Stadium, he would also think that making a CD of patriotic songs would be fun.

"Music is one of those things you learn in your mind," he said. "Then it's sung in your heart."

Coming out

While Suisun City, Calif., Police Chief Ron Forsythe and his partner will no longer have to leave the county when they wish to go out together, not much else has happened since Forsythe's announcement in December that he was gay.

"I would describe residents as quietly tolerant," Forsythe told The Fairfield Daily Republic. "But I don't think Solano County is ready for a gay pride parade."

Forsythe, 46, has been chief of the bedroom community between Sacramento and the Bay Area for nine years. Though he cannot predict the long-term effect of his decision, he does not regret it. Most of the public comments and private correspondence has been supportive, said Forsythe.

Hog wild

Give Meadows Place, Texas, Police Chief Mike Pickett a pig as a gift and, far from being offended, the lawman will probably be touched. That's because Pickett is an avid collector of piggie paraphernalia, a regular hog when it comes to porcine effigies in ceramic, wood or any other material.

The collecting bug bit him when he first entered law enforcement in the 1970s. Someone gave him the game "Pigmania" as a joke. Since then, his collection has grown so large that he began sharing it with the Sugar Land branch of the Fort Bend Library in May.

"I don't know how many I have," said Pickett, 53. "Some of them are packed away in storage."

Among his favorites are a pig pillow and a pair of ceramic pigs dressed in wedding attire that Pickett received when he got married in 1994.

But pigs are only one of the items that Pickett collects. The others include police gear from around the world, and Harley-Davidson memorabilia. He began collecting that, said Pickett, because the motorcycles are called "hogs." Pickett bought himself a Harley-Davidson Road King a few years ago.

What's so funny? Austin cop knows

A sense of humor is as essential to being a cop as a gun or a badge, at least according to the Austin, Texas, Police Department's chief chronicler of the lighter side of law enforcement, Sgt. William Beechinor.

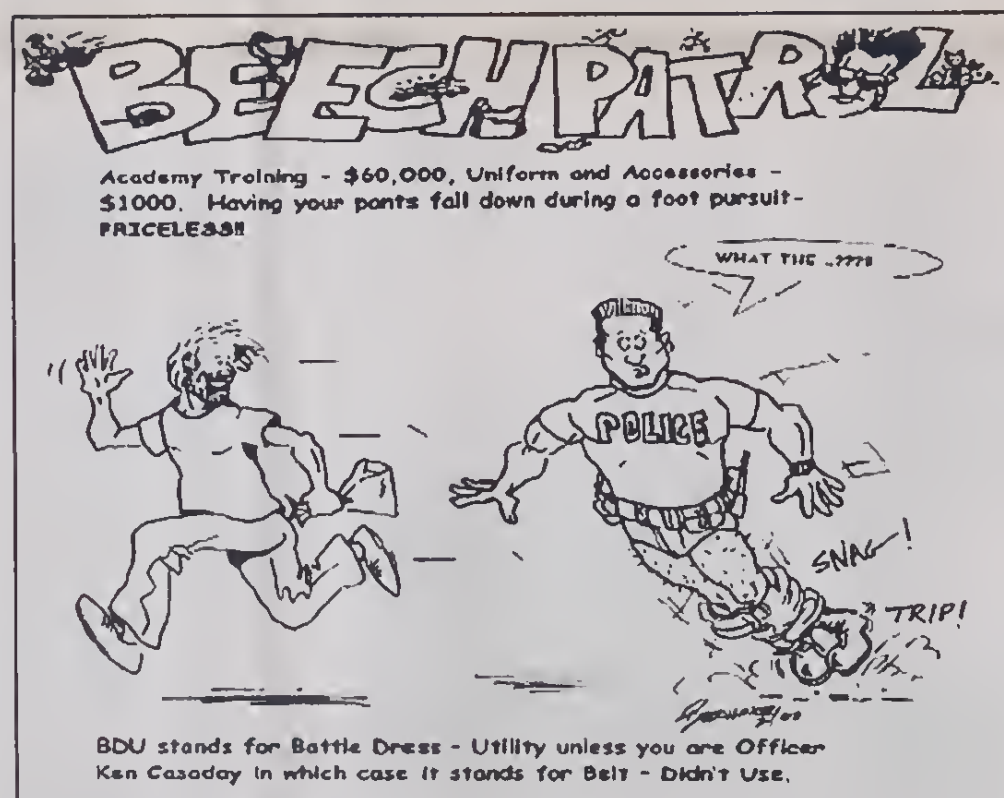
For the past several years, he has immortalized the most embarrassing moments endured by Austin's finest in a cartoon dubbed "The Beech Patrol." Beechinor is also an accomplished composite artist who has produced by his own estimate as many as 200 sketches for the Austin department alone. His services are sought by other agencies, as well.

In one case, a suspect was so impressed with the likeness Beechinor had created that he asked to have his photo taken beside it.

Beechinor's current assignment is with the agency's Accreditation Unit, but he still finds time to catalog those foolish episodes. There's the one about the cop who cuffed a suspect's leg to a gurney and stepped away. A minute later, the suspect is gone, but his artificial leg is right where he secured it. The man was captured and forced into a wheelchair by a civilian. Then there was the time that an officer was held captive in his car by three small, albeit threatening, dogs.

"If you can't laugh at yourself, you're obviously taking things much too seriously," Beechinor told The Austin American Statesman. "We're in a very serious business. We deal with death, disorder. We bring order to chaos all day long and one of a police officer's best weapons against that is humor."

Beechinor is a 21-year veteran of the force. Art and law enforcement came together for him after his graduation from Southwest Texas State



Sgt. William Beechinor helps Austin cops learn to laugh at themselves.

University, where he earned a degree in commercial art. After serving for two years as a police officer in San Marcos, Beechinor joined the Austin department and soon developed a reputation for the cartoons he drew on the briefing room's whiteboard.

The sketches were so funny that no one erased them. Soon, he was getting tips from other officers. Nobody's mistakes could be kept to themselves. There was the one about the officer who got his tie caught in the paper shredder, the

ballistics expert who mistakenly popped a test bullet in his mouth instead of a blood pressure pill, and the motorcycle cop who duct-taped a dead animal suspected of having rabies to the outside of his saddle bag as he rode back with it for testing.

Then there was the time that an officer called to a domestic violence scene got his pager glued to his fingers with Super Glue. The man and woman who were arguing were so surprised to see an officer with his fingers stuck to his

pager that they stopped fighting, and got some nail-polish remover to free him.

Three years ago, the department's in-house newsletter, The Shield, began printing the cartoons. So far, only two have been nixed by his superiors: One showed a cop hit hard in the groin by a handful of Mardi Gras beads thrown by then-mayor Kirk Watson, while the other depicted an officer who failed to notice a meth lab in a store he visited

His police memorabilia collection, also on display at the library, includes badges, hats, handcuffs and nightsticks from places as far-flung as Paraguay, Hawaii and Albania. China and Moscow were added to collection when Pickett and his wife traveled there to adopt Mikayla, 5, from China, and Tag and Michael, twin boys now 13, from Russia.

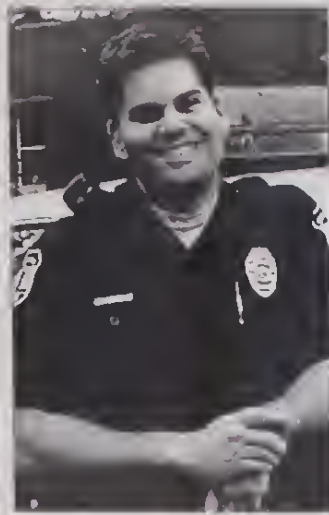
Pickett, who holds a master's degree in law enforcement from Sam Houston State University, also keeps on his cluttered shelves his membership certificate for Mensa, an organization whose members all have IQs equal to or above 98 percent of the population.

The group informed him that his score on a graduate school entrance exam automatically qualified him for membership.

"I figured, 'Why not?' so I joined," he said.

The blue parade

It was a police lineup with a difference last month in Virginia Beach, Va., when more than a dozen of the city's finest put themselves on display — some of them topless — for a roomful



Among the Virginia Beach officers on the auction block for charity were (l-r): Jerrell Johnson, Brendan Paulsen and Phill Primeaux.

of women eager to bid on their company for an evening.

The event, called the Blue Knight Auction, exceeded organizers' expectations by raising \$5,300 for the Leukemia and Lymphoma Society's Team in Training, an endurance training program that raises money to help cancer patients.

"A lot of [the officers] have been personally affected in their life by one of the blood-related cancers," said Amber Giancola, a Team in Training

coordinator.

While bids started at \$25, they quickly grew to more than \$600 in some cases. The highest was made for 45-year-old Det. Phill Primeaux.

So what did the winner get for her money? According to the Blue Knight auction's Web site, she got a real gentleman whose idea of a perfect date is a nice dinner, good conversation, and perhaps a walk along the boardwalk.

As his best qualities, Primeaux cited his sense of humor and outgoing per-

sonality. A fishing, golfing and motorcycle enthusiast, Primeaux said his theme song is Barry White's "You're My First, My Last, My Everything."

Officer Paul Spreder, 25, another bachelor who participated in the event, said he planned to take his date on his boat. But he was flexible. "It kind of depends on their personality," Spreder told The Virginian-Pilot newspaper.

"We've got some good different restaurants, some Italian restaurants, Chinese restaurants," said 26-year-old Of-

ficer Brendan Paulsen, another bachelor. "We're trying to leave it open a little bit, since we've never met our dates and they're purchasing us."

Other officers up for grabs included Brian Decker, Lamont "Dee" Devane, Jerrell Johnson, Craig Krisik, Todil Layman, Jeff Meador, Jon Midgett, Kevin Reilly and Fitz Wallace. The only non-police participant, U.S. Navy Capt. Tyson Stephenson, survived a bout with non-Hodgkin's lymphoma three years ago.

Boilover in Benton Harbor



Local, county and state tactical units were rushed into place in Benton Harbor, Mich., last month, following two nights of rioting sparked by the fatal police shooting of a black motorcyclist after a 120-mph chase on June 16. The rioting left five houses and five vehicles burned, and led to the imposition of a 10 p.m. curfew to restore order. On July 8, Berrien County prosecutor James Cherry released a report that cleared police of any wrongdoing in the incident. Cherry said race was not a factor in the nighttime pursuit since the motorcyclist, Terrance Shurn, was wearing a full-face helmet and gloves, making it impossible for pursuers to determine his race.

(Reuters photos)



A bike-riding teenager chats with Michigan State Police Officer Jeff Miazga (l.) before a 10 p.m. curfew took effect on June 19.



Benton Harbor Police Chief Samuel Harris (r.) and Berrien County Sheriff L. Paul Bailey answer reporters' questions.

When beggars get pushy, the law pushes right back

Continued from Page 1

in which money is solicited without threat or menace. The second, aggressive panhandling, is of greater concern to law enforcement and policymakers, as it can range from coercion to menacing actions and, if force is used, may even constitute robbery.

George Kelling, a professor of criminal justice at Rutgers University in New Jersey and a co-author of the "broken windows" theory of crime and disorder reduction, pointed to the New York City subway system during the late 1980s and early 1990s as an example of aggressive hedging. "The threat to citizens was so great," he told LHN, "that they were literally being extorted."

Yet aggression is difficult to quantify, and even more difficult to prohibit through legislation. As Kelling noted, what may seem harmless at 11 a.m. on a busy street can seem extremely frightening at 11 p.m. when there are few pedestrians around.

"Attempts to define aggressiveness

seem to me [not to] take into account the fact that aggressiveness is determined by the context in which it occurs," he said.

Aggressive-panhandling laws have often included the following prohibitions: confronting someone in way that would cause them to fear bodily harm; touching someone without consent, continuing to follow an individual who has refused to give money; and using obscene language while attempting to panhandle someone.

"Context is very difficult to legislate because it depends not only on the physical environment, but it also depends to some extent on the physical characteristics of both the beggar and the person being solicited," said Scott. "But even if legislation can't do it, police practice can focus its enforcement efforts at certain times and places where hedging is particularly intimidating."

Banning hedging after dark, for example, is a good idea, said Kelling.



Sidewalk panhandler, seemingly of the non-aggressive variety, gets a palmy of change.

That is what officials in Chapel Hill, N.C., think, too. In March, Town Council members voted in favor of a "dusk to dawn" ban on some forms of panhandling — similar to that in Greensboro. Under the ordinance, no one may beg or solicit contributions in a public place by "vocal appeal or direct written appeal" after dark. However, they may still put out signs and boxes for accepting donations.

A law prohibiting begging along roads and medians, one that had been proposed at the request of the police department, was approved unanimously in February.

"There is not an unlimited right to panhandle 24 hours a day, 365 days in this community," said Chapel Hill Mayor Kevin Foy. "It's reasonable to regulate this behavior," he said in an earlier interview with The Durham Herald.

Enforcement of hedging laws is highly discretionary on the part of police, however, Kelling and Scott agreed.

There is a continuum of police response that runs the gamut from a warning to a citation for aggressive behavior, Kelling said. While individual officers have handled this quite well, he said, departments generally do not have guidelines that make explicit to the public and to officers how this discretion is to be used. Kelling said he advocated the development of rules that would consider which factors are to be taken into account when deciding whether to cite or arrest.

Few patrol officers are likely to enforce panhandling laws as a routine part of their activity, added Scott. Those officers whose beats include panhandlers typically implement strategies that go beyond enforcement, he said. They will make an effort to know who the panhandlers are and, as best they can, try to make sure those people get the kind

No hassling, no sleeping

Jurisdictions nationwide have tried in a variety of ways to control the problem of panhandling

¶ A "Say No" educational campaign directed at the public was launched by the Capital Crossroads Special Improvement District in Columbus, Ohio, in February. Fliers have been placed on hotels, office buildings and shops urging people not to give money to beggars. They suggest donating to social-service agencies and offer suggestions on how to say "no." The campaign will also include A-frame signs on sidewalks, placards on cash registers and posters at bus shelters.

¶ In Seattle, officials are hopeful that a plan to install "giving meters" at the city's busiest intersections will make a dent in the fight against panhandling. The money collected from the meters, which are parking meters altered to accept change from passersby, would be distributed to private social-service agencies.

¶ Under a law that went into effect on Jan. 1 in Santa Monica, Calif., charities feeding more than 150 people will have to apply for permits.

Another new ordinance calls for police to roust anyone found sleeping in front of stores that prohibit such behavior. The legislation is part of an effort to make the city a less hospitable destination for the homeless and to discourage the more than 30 groups that come from as far as 60 miles away to operate soup kitchens.

¶ The Vancouver, Wash., City Council on July 8 approved an ordinance that makes aggressive panhandling a misdemeanor punishable by 90 days in jail and a \$1,000 fine. The law, which takes effect in 30 days, is modeled on a Seattle ordinance that has been upheld in state and federal courts. Police will respond to complaints in addition to being on the lookout for beggars who obstruct traffic or intimidate passers-by into giving them money or goods.

¶ An ordinance has been drafted in Key West, Fla., which would make sleeping in the city's mangrove encampments a crime. The proposal would equate inhabiting the area's wetlands as trespassing. City officials gave preliminary approval to the bill in March.

of services and support they need based on their problems.

But enforcement of begging laws by itself is insufficient, Scott observed. One of the more effective approaches taken by local jurisdictions has been that of Savannah, Ga., he said. [See sidebar, below.]

It is critical, said Scott, that police deal with the problem of panhandling in a sensitive manner. Simple crackdowns on begging can often backfire, he said, if police do not frame the issue in the larger context of poverty, homelessness and substance abuse. "It is very easy for police to be perceived as being draconian, heavy-handed and unsympathetic to the plight of the poor,"

said Scott.

That is one of the reasons why Savannah's strategy has worked so well, he said. Under the program, all homeless outreach programs in Chatham County operate under the direction of the Savannah-Chatham Authority for the homeless, a state-mandated agency set up some 15 years ago with the help of the city's legislative delegation.

The jurisdiction makes numerous resources available, and the needy who are identified by police are then "wooed" by the authority, according to The Atlanta Journal-Constitution.

"Savannah has done a very effective job of coordinating services for the homeless and the police department," said Scott, a former resident of that city. "Savannah is such a pedestrian-friendly city, so many people walking around, so many tourists, it is an absolutely ideal setting for panhandling. My impression was the level of panhandling was remarkably low. I think it's a credit in part to the officers making it clear to these people that accosting people is just not going to be tolerated, but at the same time, this is a city that has adequate social services to take care of the genuine needs of people."

It is particularly important, said Scott, that the public be educated about the drawbacks of charitable giving in the form of handouts. This is particularly true, he said, in liberal communities such as college towns.

One such locality, Madison, Wis., was among the first cities in the nation, according to Scott, to implement a publicity campaign telling people not to give to panhandlers, and why. And this past March, the City Council there approved funding for two social service agencies to hire six outreach workers.

"It's confronting the disruptive behavior of a very small minority of individuals in the State Street area," Downtown Alderman Mike Verveer of the 4th District told The Wisconsin State Journal. "Many of these people are suffering from addictions or mental illness, and many of them are homeless."

The \$40,200 contract will be paid by the city, Dane County and the United Way, and runs from April 1 until the end of the year.

A Savannah officer's epiphany on street people

Back before he became "Officer Charlie," the Savannah, Ga., Police Department's one-man homeless outreach unit, Cpl. Charlie Fields, said he felt as many of his colleagues did about street people — namely, that they were nuisances who needed to be kept out of sight.

That was in 2001. Since then, Fields has developed a program for dealing with the homeless and eliminating panhandling from Savannah's pedestrian squares that has not only won a national downtown development award, but has caught the attention of jurisdictions as far away as San Francisco and Orlando.

"I put the police in what I call the circle of care," Fields told Law Enforcement News. "The homeless authority, the shelter facilities, mental health care, drug and alcohol treatment, and medical health care. I pretty much put the department in an active role with those agencies."

Fields's beat was the city's historic district, where many of the homeless and others would hit up tourists and residents for handouts. After seeing those arrested on local ordinances turned loose in the time it took to complete the paperwork,

Fields decided to act on his own. With the permission of his precinct commander, he set about creating a model for the department that began with changing his own attitude.

"Even though they're a nuisance, and we'd rather forget about them, they're people," said Fields. "And guess what? They're citizens of this community, too, even if they're temporary citizens."

A cop for 24 years, Fields said he is no "do-gooder," but he was quick to add that every day that a homeless person spends in jail costs taxpayers \$52.

Moreover, the demand on the department to answer nuisance calls involving the homeless is enormous, said Fields. There are an estimated 4,200 individuals living in Savannah in shelters, illegal encampments and on the street. By his own estimate, Fields has helped a dozen or so make the transition to permanent housing.

While this might not seem like many, he conceded, they are still 12 people that he and other Savannah officers will not have to deal with again.

One area where Fields's program has been particularly successful is in reducing panhandling behavior in the city's squares, a top priority for officials

in tourist-conscious Savannah.

An anti-panhandling ordinance enacted by the city in 1958 prohibits soliciting funds from any public area, or public street, without a permit. Since there is no permit to panhandle, Fields was able to implement an aggressive, zero-tolerance program that is part enforcement, part information campaign.

Anyone caught panhandling is taken straight to jail, he said. To get the word out about the program, he used local media outlets.

"I've done an informal study, and probably 60 percent of the panhandlers in downtown Savannah are not homeless," said Fields. "I'm learning things everyday. These are people with families, cars, homes, but they can make a handsome living because it's human nature to try and help somebody."

Signs are posted throughout the area to alert tourists that it is okay to say no. There are also two-sided resource cards that Fields has had printed up and distributed to local stores with the names and addresses of shelters and soup kitchens. Instead of giving someone money, Fields hopes that when passersby are asked for change, they will hand the individual the card instead.

While Fields says the program is

exportable to larger jurisdictions, there is no disputing that it is a labor-intensive effort that is largely being carried out by one officer. "Let's just say nobody is knocking down my cubicle to take the job," he quipped.

Over the past 18 months, Fields has set up a database to help him keep track of homeless individuals. He has volunteered time at local shelters, and organized clothing and food drives. Fields has also intervened in at least one case involving a wheelchair-bound man who threatens to become homeless if he cannot get an extension on his apartment lease.

Fields said that he knew his program was a success when complaints about panhandlers and the homeless stopped pouring into the offices of the mayor, city manager and Police Chief Dan Flynn.

"The way I measure effectiveness sounds really, really simplistic," he said. "When somebody comes up to me and says, 'Officer Charlie, I'm sorry about what I did the other day on River Street — I know I disappointed you,' or 'Officer Charlie, I talked to my daughter in Atlanta and she's coming up. We're going to see if we can put things back together.'"

Tentatively, crime dips again — for some

Preliminary UCR bears bad news for western states & cities

While overall crime dipped slightly in 2002, the Western part of the country experienced a spike in the number of violent offenses, particularly in cities such as Los Angeles, Las Vegas and in Tacoma, where the number of forcible rapes last year rose by a troubling 20 percent.

The figures come from the preliminary results of the FBI's Uniform Crime Report, released last month. According to the data, the nation experienced a decrease of 0.2 percent in its Crime Index from 2001. Overall violent crime, it said, fell by 1.4 percent nationwide, and the level of property crime remained the same as last year.

There were small jumps in the number of murders and rapes committed in 2002 — 0.8 percent and 0.4 percent, respectively. This was especially true in the West, where the homicide rate rose by 5.2 percent, and in the South, where it increased by 2.1 percent. The West also saw the smallest drop in violent crime of the four statistical regions, of 0.6 percent, and recorded the largest increase in its overall Crime Index, of 2.9 percent.

The greatest Crime Index declines were seen in the Northeast, 3.3 percent, and in the Midwest, 2.1 percent. The South recorded a decrease of 0.1 percent. In the Northeast, homicides were down by 4.8 percent, and by 2.8 percent in the Midwest.

"Given the fact that there are a lot of factors that could push crime upward and there was essentially no change is good news in itself," said James Alan Fox, the Lipman Family Professor of Criminal Justice at Northeastern University.

Fox told The New York Times, however, that a "worrisome picture" could be created if federal, state and local authorities continue to cut spending on police, prisons and courts due to budget deficits.

"I wouldn't bet on crime remaining stable if things continue as they are," he said. "It may be just a matter of time."

In Los Angeles, gang-related activities drove the city's homicide total in 2002 from 588 to 654, causing it to surpass Chicago and New York City, both of which saw a drop in the number of murders, according to the UCR. Overall, the volume of crime in Los Angeles rose by 0.9 percent, from 189,278

offenses reported in 2001 to 190,992 last year.

San Francisco also experienced an increase in homicides in 2002, as did other cities in the Bay Area. There were 68 murders in that city last year, compared to 62 the year before.

In Oakland, murders leaped by 25 percent over 2001. The homicide level also rose in Vallejo, Santa Clara, Sunnyvale, Fremont, Concord and Berkeley. Although none of those cities had more than 10 slayings either in 2001 or last year, the number of murders in Berkeley rose from one to seven.

The number of violent crimes reported in Las Vegas jumped by 19 percent, according to the UCR, with the overall number of offenses up by more than 12 percent from 2001.

Fewer police on the street was a contributing factor, as were the weakening economy and an increase in the number of 15-to-25-year-olds, the age groups that commit most crimes, police officials told The Associated Press last month.

While Southern Nevada's murder rate remained flat last year, the number of stabbings, beatings, aggravated assaults, shootings and other attacks rose by 38.5 percent in and around Las Vegas. In 2002, citizens reported 57,059 crimes to municipal police, up from 50,838 the year before. The 12-percent increase was nearly double the 6.9-percent rise from 2000 to 2001.

Crime increased in Tacoma by 10 percent between 2001 and 2002, a development that a police department spokesman, Jim Mattheis, blamed on the economy.

"The economy drives crime more than anything," he told The Seattle Post-Intelligencer. "Whether that's the sole reason or not, I don't know."

According to the UCR, forcible rapes in the city increased by nearly 20 percent, from 143 to 171.

In the Northeast, where crime fell the most dramatically last year, Stamford, Conn., led the nation with a 22-percent drop. The city was ranked as the safest municipality in New England.

New York City's crime rate dropped by 4.5 percent, the 10th consecutive year that it has fallen. In contrast to the nationwide increase, the city's homicide total last year dropped by 9.1 percent, to 584. Rapes, however, rose by 8.4 percent, to 2,023 — more than double the national increase.

"You're seeing the results of good hard work," Mayor Michael R. Bloomberg said of the overall decrease. "It's one of the reasons I couldn't be more optimistic about our future. Every place else, crime's going up. Here, it's going down."

The UCR ranked New York second out of the 25 largest cities with regard to safety. It followed only San Jose, whose population of 900,000 is slightly more than one-tenth that of New York.

In the Southeast, Baltimore and Washington, D.C., remained among the nation's most violent cities.

Of municipalities with populations of more than 500,000, Washington had the highest homicide rate with 262 killings — a rate of 45.82 per 100,000 residents. It eclipsed Detroit, which had been No. 1 in 2001. Last year, Detroit had 402 slayings, or 42.04 per 100,000.

"You've got to look at progress when it's there and not say, 'You're still not doing enough,'" Washington Police Chief Charles Ramsey told The Washington Times. "Am I saying our rate should be lower than that? Sure, I'm saying that. This city had almost 500 murders 10 years ago. We had 200 fewer last year."

Over the past three years, Baltimore reduced reported incidents of serious crime by 25.98 percent — the best such record in the nation, according to the UCR — yet it still ranked second to Detroit last year among the nation's 25 largest cities for the rate of violent crimes per 100,000 residents.

Baltimore had 253 homicides in 2002, only slightly fewer than the 256 in 2001, and the 261 in 2000.

Murders in Wisconsin's largest city, Milwaukee, were down by 7 percent in 2002 compared with the previous year, although crime increased overall by 2 percent. Rapes rose by 10.5 percent, and burglaries by 9.7 percent.

In the Twin Cities, an overall decline of 0.71 percent in serious offenses was reported by Minneapolis law enforcement authorities, while St. Paul reported an overall drop of 6.5 percent. Murders rose in both cities, however. Minneapolis had 47 homicides in 2002 compared to 43 the previous year. St. Paul had 13 murders last year, up from 9 in 2001.

Tag — you're it:

Micro-engraving may offer key to bullet ID

If bullets can be matched to the weapon from which they were fired based on the "scratches and dings" created by the handgun, wouldn't identification be that much more accurate if there were actual tool marks to read?

A New Hampshire engineering firm seems to think so, and so do state law enforcement officials in California, who are looking at their technology as a potential alternative to automated ballistic imaging.

Ballistic ID Tagging was adapted from the microelectronics industry by the Londonderry, N.H.-based firm NanoVia LP, the designer of a laser machine that can drill holes 1/100th the thickness of a human hair in anything from a microchip to a perfume atomizer. The process works by micro-stamping the firing pin of a new weapon with an alphanumeric code. The code is then imprinted on the shell when it is in a near-liquid state due to the heat and pressure of the chamber as it is being fired.

The letters and numbers are invisible to the naked eye, but can be read by police using a microscope, or at the scene using a special palm-size mobile lab NanoVia is creating. The numbers can be run against those in the gun manufacturers' database to find a match. Gun makers would be required to maintain the records in their own files, and that data would be accessible only to law enforcement.

The California Criminalistics Institute is conducting a feasibility study of the process for Attorney General Bill Lockyer's office. Micro-identification marks "could provide a simple, workable alternative to expensive ballistic

imaging workstations and databases," the institute said.

It would be "tremendously beneficial," said Randy Rossi, director of the state Department of Justice's firearms division, "to have the make, model and serial number of a semi-automatic weapon left at a crime scene."

He dismissed the idea that more astute criminals could remove the casings from the scene. Most of the gun crimes committed in California occur in the heat of passion, Rossi told The Manchester, N.H., Union Leader. Fleeing shooters do not have the time to search for their casings.

"The technology they're talking about is very valuable if it delivers on its promise..." said Eric Horowitz, policy director for the Berkeley, Calif.-based Educational Fund to Stop Gun Violence. "What you get is a live body that had its hands on the actual gun, and that's a priceless lead. It's like a license plate. You're not just looking for a blue Chevy anymore, but Bob Jones' blue Chevy."

If the tagging proves effective during a six-month trial period, as Rossi predicts it will, the cost would be borne by California's 43 gun manufacturers, who would have to buy the necessary technology for their assembly lines at a cost of \$400,000 per machine. This would raise the price of guns by an estimated \$4 to \$5, said Todd Lizotte, NanoVia's vice president of research and development.

"The benefit we see is in regard to new firearms," he told Law Enforcement News.

While the FBI's Integrated Ballistic Identification System (IBIS) and the

Bureau of Alcohol, Tobacco and Firearm's National Integrated Ballistic Identification Network (NIBIN), are effective for the collection of evidence for a criminal database, the systems are limited by their technology, said Lizotte.

Both systems, he said, use a camera to take an image of a shell that is 480x480 pixels. By contrast, the digital camera used by a typical family on vacation purchases is 3.6 megapixels — roughly three to four times the resolution that the IBIS and NIBIN systems have.

Working with the Association of Firearm and Tool Marking Examiners,

Lizotte and his partner, Orest Ohar, found that what ballistics experts lacked when they looked at evidence were "unambiguous tool marks."

"We use a term which we thought was rather derogatory and was based on our ignorance: it's sort of like scratch and ding analysis," said Lizotte. "It's a great punch line, but the fact is, what the original IBIS/NIBIN program was supposed to do [was] automate and give firearms examiners a large enough database to search past criminal events to see if there's a match to something current or if the gun was recovered, to match it" to any other criminal activities and narrow it down to the best pos-

sible choices.

However, the ballistic imaging technology created by the Montreal-based Forensics Technology Inc. and used by Maryland and New York, has a "miss" rate of more than 70 percent when different types of ammunition are used.

The California DOJ's feasibility study found that when ballistically imaging a new firearm, 48 percent of the time examiners will not get a match that was in their top 10, said Lizotte.

By placing the codes on the firing pin, he noted, even if the mechanism is filed down by a half millimeter, some part of it will still be visible on the casing.

Supreme Court hedges its bets in latest Miranda ruling

Police officers who question suspects to the point of coercion in the absence of a Miranda warning may not be sued for violating Fifth Amendment protections against compelled self-incrimination — provided that those statements are not used at trial. However, they still run the risk of being held accountable for violating the Constitution's guarantee of due process, the U.S. Supreme Court ruled recently.

The 5-3 decision produced six opinions, but no majority judgment, leaving the door wide open for the issue to be raised again. The case, *Chavez v. Martinez*, stems from a 1997 police shooting in Oxnard, Calif., and the subsequent questioning of the suspect, Oliverio Martinez, in his hospital bed.

The officer, Ben Chavez, continued

interrogating him even as Martinez cried out in pain and begged him to stop. Martinez, who was left blind and paralyzed, had brought a suit against Chavez charging him with violating both his 14th Amendment right to due process, and his Fifth Amendment protection against self-incrimination.

The ruling in May overturned a decision by the U.S. Court of Appeals for the Ninth Circuit, which had permitted Martinez to proceed with his lawsuit based on both constitutional claims. The appellate decision was endorsed in an opinion joined by Justices Anthony M. Kennedy, Ruth Bader Ginsburg and John Paul Stevens.

However, Chief Justice William Rehnquist, in an opinion joined by Justices Sandra Day O'Connor, Antonin

Scalia and Clarence Thomas, voted to reject the appellate position on the Fifth Amendment claim, as did Justices David H. Souter and Stephen G. Breyer, who filed their own opinion. Since no criminal case was pursued against Martinez, each opinion said, he was not forced to be a witness against himself, thus defeating his Fifth Amendment claim. Souter and Breyer stressed that a contrary finding could leave police open to civil damage suits for failing to give Miranda warnings.

Thomas, Rehnquist and Scalia went even further, voting to reject the 14th Amendment due-process argument as well, stating that there was no evidence to show that Chavez had tried to harm Martinez by preventing his medical care.

Washington cops train as foster parents

Faced nightly with the daunting task of trying to find temporary placement in the state's overburdened foster-care system for children whose parents had been taken into custody, the Bellingham, Wash., Police Department has launched a program that provides training for its own officers to become emergency foster parents.

Police taking kids back to their own homes when no shelter could be found was once a common practice, said Sgt. Tim Lintz, who heads the department's Family Crimes Unit. But under state law, police are required to turn over all children suspected of being the victims of abuse or neglect to the Child Protective Services (CPS), limiting their ability to provide temporary homes.

What really made departments shy away, however, said Lintz, was a scandal involving the lead investigator in a child sexual abuse case and his two foster daughters. Sixty people were investigated in the Wenatchee, Wash., case during the mid-1990s, and 26 were convicted based primarily on the testimony of two girls who lived in the home of Det. Robert Perez. One girl later re-

canted, saying Perez and others had pressured her into making the allegations.

The Bellingham department is carefully crafting rules for the new program so that no conflicts of interest will arise, Lintz told Law Enforcement News. Officers involved in sexual abuse investigations will not be allowed to join the agency's foster-parent pool, and those who house foster children will not be the same ones who arrested their parents.

The Wenatchee case "really put the DSHS (Department of Social and Health Services) in a defense mode," he said. "We really didn't know if they would go along with this. But as long as we instill in the program the proper checks and balances to make sure none of those conflicts of interest arise, we won't have a problem. We're going to structure it so that absolutely will not happen."

Lintz said he is still working out the agreement between the department and the various state agencies that have to approve the plan.

"It's a great community-policing

concept in that it kind of goes back to the way we used to do things, but it does it in a fashion that meets the needs of today's laws [and] liability concerns," he said.

With 6,200 foster homes and 8,500 children under the state's care, it has always been difficult if not impossible for find placement for children after hours. When beds do become available, he said, they are quickly filled by children from other counties. The concept of certifying a handful of officers to be emergency foster parents took shape last November when one officer, who had spent four hours trying to find shelter for three children, finally just took them back to his own house at 1:30 a.m.

"You can spend hours on the phone trying to find a safe place for these kids," Officer Susie Coberly, who recently attended the department's foster care training, told The Associated Press. "We love being parents. We have a great family. It's a good opportunity to give these kids a safe environment."

Said Lintz: "It's really time consuming for the officers, and of course the extra time is really unfair to the kids, too. It makes a difficult time even worse for them."

The officer was able to bring the children home and get them back in

time for court by 9:00 a.m., he said.

The department is currently recruiting officers to join the program. Although there are a few already in the agency who are foster parents, they do not have the proper certification, said Lintz. To obtain a license to care temporarily — 15 days or less — for children ages 11 and younger, officers must attend an 18-hour course. With the agency's tight budget, all of the training is paid for out of the officers' own pockets.

"We thought this would be a great way to have a community-based program that was in and for our community," he told LEN. "We tried to keep it within our own department, and sure enough, we did have volunteers step forward. We have five families, which should be enough to meet the needs of our department and the size of our community."

When a temporary placement is needed, the arresting officer can drop the children off at the home of a foster parent, then notify CPS through its after-hours number. The whole situation can be dealt with in the morning.

"It's very simple," said Lintz. "I don't know why it hasn't been done before."

State officials said they plan to pro-

duce two public service announcements for television, one that will air across Washington, and the other to be shown at police and sheriff's departments.

The program has the endorsement of the National Foster Parent Association.

"This is brand-new," the association's administrator, Karen Jorgenson, told The AP. "I think it's a wonderful idea. If more groups would do the same thing, then we wouldn't have a shortage."

The lack of housing statewide for minors has become so severe that last year, the DSHS was banned by a court order from putting children in state offices or juvenile jails when foster care was unavailable.

"It's all really new to me," said Susie Ortiz of the police department's crime analysis unit. Although she has no children of her own, Ortiz told The AP that she was intrigued by the idea when she received a department email on the program.

"I thought, 'Wow, to help one kid would be a really cool thing.' I read all the crime reports — the good, the bad, and the stinky," she said. "I think about all the kids out there that have such unstable lives. To give them some sense of stability, even for a short time."



CHIEF OF POLICE CITY OF CORAL GABLES

The City of Coral Gables, a community of 42,000 residents located in Miami-Dade County, Florida, is seeking a highly qualified police professional to direct its nationally CALEA accredited Police Department. The Police Department has a budget of over \$26 million and a total staff of 246, which includes 172 sworn officers and 74 civilians. The current annual salary range is \$80,856 to \$108,355, with a comprehensive benefits package.

Qualifications: A minimum of fifteen years of progressively responsible experience in law enforcement, to include five years at a senior management level or above; a Bachelor's Degree from an accredited college or university in criminology, law enforcement, public administration or related field. Prefer Master's Degree and Law Enforcement Executive training to include FBI, SPI or others. Must have or obtain certification in the State of Florida as a Police Officer under FDLE standards.

To ensure consideration for this position, send resume and references to Employee Relations Department, 2801 Salzedo Street, Suite 200, Coral Gables, Florida, 33134, or send via email to erd@coralgables.com by the deadline date of September 8, 2003. The City reserves the right to continue this search until a suitable candidate is identified and employed.

**EQUAL OPPORTUNITY EMPLOYER
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Companies carve out market niche in crime-scene cleanup

When a murder or suicide is committed on private property, it is up to the owner — very often the victim's family — to get rid of the blood and gore left behind after the police leave the crime scene. It's a messy business, but somebody has to do it, and increasingly, the job is falling to specialized cleaning services that have branched out into the biohazard field.

There are nearly 50 companies nationwide that provide such services, with total sales of \$20 million to \$25 million, according to the American Bio-Recovery Association, a Washington lobbying group formed in 1996.

Among these is Quality First Services, an Austin, Texas-based firm that had handled mold, fire, smoke and water damage, but now handles dead bodies, as well.

The company's owner, Steve Nordberg, found out firsthand the limits to what police and the city would do when his wife's grandmother was murdered in 1990. "After the completion of an investigation, the police leave," he told The Corpus Christi Caller-Times. "Who is going to clean this up?"

Quality First handles four to five jobs per month out of its Corpus Christi office. About half of the company's annual \$4.5-million annual sales are attributed to clean-ups at crime scenes. It charges a minimum of \$750 for a job, with most in the vicinity of \$2,000. Much of the cost is picked up by insurance, and sometimes by the state's Crime Victim's Compensation Fund.

"I always just thought it was the city or the police department," said Adela Pulido, an office manager for EnviroTech, the firm that handles disposal of medical waste for Quality First. "It's one of those things that is necessary, but I had never thought of it."

In Chicago, which ranked second among the nation's largest cities in

murders during 2002, homicide has become a growth business for those who can provide certain types of services.

One firm, Aftermath Inc., specializes in sanitizing scenes where violent deaths took place. Like Nordberg, Aftermath's owners got the idea after they volunteered to clean up in the wake of a neighbor's suicide.

"While we were doing it, we were like, 'Gosh, we thought the police did this or the fire department or the funeral home or the coroner's office,'" Chris Wilson told The New York Times. "But none of them perform this service. So we were like, 'This may be a niche.'"

Homicide cleanups constitute about 20 percent of Aftermath's business, which amounts to \$2 million in 12 states. It can cost as much as \$7,000 to clean up a particularly grisly murder or multiple homicide.

All such firms are regulated by federal rules spelled out by the Occupational Health and Safety Administration, which require that employees have blood-borne pathogen training, Hepatitis B and tetanus vaccinations, and that the company have a written exposure plan and protective equipment. The companies are also required to keep medical records of employees who got hurt on the job for 30 years, in case infectious disease officials want to track them.

Each member of the Aftermath clean-up crew wears a white plastic suit, a breathing apparatus, gloves and a protective face shield. The company, which is certified by the industry association,



Kim Nootenboom sponges up red dye at the training facility in Penn Grove, Calif., run by Not-A-Trace, a crime-scene cleanup company.

has 16 technicians who work in teams of two or more. Within 24 hours, they have stripped down a crime scene, tearing out blood-soaked carpets, walls and floors, and have repaired and cleaned whatever else needs it.

Cleaning up at the scene of a crime is not a job for everyone. Davie Mankin, regional manager for Quality First's Corpus Christi office, said he once had to clean up a home after a relative who was high on drugs broke into it and hled all over the furniture. The company is willing to clean up after suicides as well, and sanitize car upholstery after an accident.

The only way to get through the job is to "turn down the compassion knob," Mankin told The Caller-Times. "You can't look at the pictures on the walls, the trophies of the teenager who just shot himself."

Mueller:

Agreeing to disagree with the ACLU

By Robert S. Mueller III

The ACLU has a long and proud history of standing up to defend the freedoms guaranteed to us by the Bill of Rights and the Constitution. The FBI and the ACLU share these values, as well as concern for the safety of all Americans.

However, since 9/11, many complex law enforcement issues have arisen, and on some of those issues, we disagree. In meetings with ACLU members, we have discussed some of these differences. I think that this exchange of ideas is important — especially with those who disagree. Because as a citizen of this country, I believe, like you, that our freedoms — including the right to disagree — are sacred.

I would like to continue a very important discussion taking place in our country right now by reflecting on three issues. First, the difficult challenges we as the FBI, and as a nation, face in addressing terrorism. Second, how the FBI has changed since 9/11 and why it is uniquely situated to carry out the counterterrorism mission. And third, the importance of protecting both our homeland and our civil liberties.

To understand the FBI's response to the terrorist attacks, you have to go back to September 11, 2001, to that blue, cloudless morning. The World Trade Center towers have each been struck by a plane. The towers have collapsed, killing how many? We do not know. A hijacked plane has plunged into the Pentagon, killing how many? We do not know. A plane originating from Newark is in the skies. Radar shows it heading toward Washington. Communication is lost. That plane crashes into a field in Pennsylvania. We learn from cell phone calls made by passengers on the doomed planes that they had been hijacked. We do not know by whom, or even how many hijackers are involved. Most importantly, we do not know if other terrorists in the United States are preparing a second wave of attacks.

For the FBI, the immediate challenge was to identify the hijackers, and anyone associated with them, and to uncover any other plots. Our 24-hour command center at headquarters was operational within minutes of the first attack. In New York, being close to the towers, we had to evacuate our space and operate from a garage, setting up a command post with 300 investigators from 37 different agencies.

(Robert S. Mueller III is Director of the Federal Bureau of Investigation. His commentary is adapted from remarks delivered before the membership conference of the American Civil Liberties Union on June 13.)

On September 10, we had only 535 international terrorism agents around the world and only 82 at headquarters. Within days of the attack, almost 7,000 agents were reassigned from other areas. Remember, too, during the next six months, the FBI was dealing with anthrax, the Daniel Pearl kidnapping, investigating the crash of an American Airlines flight in Queens, and participating in the security for the Salt Lake City Olympics.

America responded strongly and rapidly to the

large propane fuel tanks in a populated area of Sacramento three years ago, as planned? Or if international terrorists had not been stopped from blowing up a series of New York landmarks in 1993? Or if Ahmed Ressam had succeeded in bombing Los Angeles International Airport on New Year's Eve in 1999?

This history of executed and prevented attacks bears testimony to the difficult challenges posed by terrorism. The fact is that terrorist groups be-

It coordinates the two-way flow of information and intelligence between headquarters and the 66 local joint terrorism task forces around the country. We have also quadrupled the number of strategic analysts at headquarters, and we are building a cadre of more than 700 analysts nationwide. As a result of these efforts, we are now able to produce a better analytical product and to share that product more effectively with policy makers, with the intelligence community, and with our law enforcement partners.

Another key to the bureau's transformation is the complete overhaul of our information technology systems to move the FBI from a paper-driven organization to one that employs the latest technology. We have brought in professionals from private industry to help bring the bureau into the digital age. From the rollout of new hardware, to the upgrade of critical networks, to the redesign of investigative applications, we are making progress. Thanks to these new initiatives, we will soon have a system that will better search and analyze data and allow agents to manage their case files electronically for the first time in history.

As we have been transforming the bureau to meet new challenges, some have asked if America should instead create a new domestic intelligence agency. I believe this would be a mistake.

Proponents of a separate agency see an advantage in separating law enforcement and domestic intelligence. They see a dichotomy between intelligence operations that prevent attacks and law enforcement operations that catch those who would commit terrorist acts. The reality is that the two functions are synergistic in the fight against terrorism. The combined responsibilities make the FBI uniquely situated to make strategic and tactical choices between our law enforcement options of arrest and incarceration and our intelligence options of surveillance and source development.

The global aspect of terrorism creates an even greater need for the FBI to integrate its intelligence program and criminal operations to prevent attacks. We have done this in ways a separate domestic intelligence agency could not. This approach has already paid off. Over the last 20 months, the FBI has identified, disrupted and neu-

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"In order to root out terrorism, law enforcement must also be ready and able to change."

terrorist attacks of Sept. 11. In less than two years, we have made substantial progress against Al Qaeda, but the war is far from over. Removing the sanctuary of Afghanistan was a huge loss to Al Qaeda, as has been the apprehension of many of its senior leaders. But despite our progress, Al Qaeda still seeks to attack us, and they have the capacity to do so.

Al Qaeda, of course, is not the only threat. Prior to Sept. 11, Hezbollah had killed more Americans than any other terrorist group. Other terrorist organizations launched strikes, like the one we saw on Khobar Towers in Saudi Arabia in 1996. And we cannot forget domestic terrorists who operate in our own country. They also use violence to intimidate and coerce Americans, as we came to understand by the April 1995 bombing in Oklahoma City.

Recent terrorist attacks abroad have provided more stark reminders of the deadly threat posed by groups and individuals with the desire and the ability to kill. I have just returned from the Middle East, where I met with my counterparts in a number of countries. In Tunisia, we discussed the attack on a synagogue, where 14 German tourists were killed. In Saudi Arabia, we reviewed the investigation into the May 12 bombings of three compounds in which 34 people were killed, eight of them Americans. In Morocco we discussed the Casablanca bombings of May 16, in which 41 people died. And I met with Shin Bet and our other counterparts in Israel, where deaths from terrorism are, tragically, an everyday occurrence.

Despite the success of these and other attacks, it is important to remember that many have been prevented. How many Americans would have died if anti-government extremists had blown up two

have much like deadly viruses. Their reach is global in nature, they are tenacious, and they adapt quickly to increase their chances of survival. The evolving nature of terrorist groups is why we can report progress in the war on terror, and yet say the threat is still there. In order to root out terrorism, law enforcement must also be ready and able to change.

The Sept. 11 attacks against New York and Washington changed the course of history. They changed the meaning of national security for the United States and dramatically shifted FBI priorities so that the prevention of terrorist attacks became the FBI's top priority and overriding focus. While we remain committed to our other important national security and law enforcement responsibilities, the prevention of terrorism takes precedence in our thinking and planning, in our hiring and staffing, in our training and technologies and, most importantly, in our investigations.

Critical to preventing future terrorist attacks is improving our intelligence capabilities so that we can increase the most important aspect of terrorist intelligence information — its predictive value. We have taken a number of steps to build that capacity. We have centralized our case information. We set up a National Joint Terrorism Task Force at FBI headquarters, staffed by representatives from 30 different federal, state and local agencies.

Letters

Brame blame

To the editor:

It appears that there is a considerable amount of finger-pointing going on with the recent murder-suicide of Tacoma Chief David Brame and his wife [LEN, May 15/31, 2003].

Although the whole event is a terrible tragedy and nothing can be said to condone or lessen Brame's actions, the incident has been compounded by some psychologist who tested Brame in 1981 during his application to the Tacoma P.D. and pronounced him unfit for police work at the time. Although the Mayor's position is not clear, he has said that he was not aware of the results of Brame's testing.

It is also a tragedy that, more than 21 years after a routine psych test, the tester can now claim that he was right, with the inference being that had anyone listened to him or her, this event would have never occurred.

Why is it that when a police officer, sergeant or chief is charged with a crime 20 years after his hire, the psychologist who approved his or her hiring is not held criminally or civilly liable? There is a double standard here that stinks.

Clearly, there is no definitive answer or testing method to determine who will end up committing a crime 20 years after their hiring. To pretend there is some magical quality that a tester has to determine what police applicant has evil in his

or her heart is ridiculous. There are many among us that know of friends and outstanding candidates that have been rejected for police work based solely on the decision of a department-hired psychologist.

I remember once overhearing a conversation between two other applicants discussing the Marine Corps psychological testing. One said, "The test is easy, they just ask you questions like: Would you rather kill people or bake bread?" Maybe our testing should be that simplistic, because to give so much weight to a psychologist's test and conclusion leaves us all open for lawsuits and the rejection of good applicants as well.

BRUCE WALDO
Detective
Los Angeles County Sheriff's Department
Los Angeles, Calif.

Note to Readers:

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Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor



Police try to ease cons' return to society

Continued from Page 1

jectives for family members and creates a "family action plan" to deal with crises that could lead to re-offending.

Under a program known as Partner, for Parolees and Relatives Toward Newly Enhanced Relationships, La Bodega teams parole and probation officers with the families of offenders.

A year-long study of the initiative by the Vera Institute, released earlier this year, found reduced drug use in all categories and fewer rearrests, a decline of nearly 50 percent in substance abusers using any illegal drugs, and enhanced well-being. "The perception of being supported by family members."

"The one-of-a-kind partnership with New York's Division of Parole is a convincing example that by working together the powerful force of families and committed public servants can be a vital and effective supplement to traditional criminal justice approaches to drug prevention and treatment," said Gowher Rizvi, director of the Institute for Government Innovation at the Kennedy School.

La Bodega will receive a \$100,000 grant from the Institute to support the replication of its efforts.

Around the country, a number of innovative programs have been launched — some as far back as the late 1990s — to deal with prisoner reentry. Among these are initiatives that call upon public and private agencies to work closely with newly released inmates.

One that is drawing national and state attention is the Call-In and Notification program in High Point, N.C. Launched in 1998, it uses a combination of the carrot and the stick to help ex-offenders get back on their feet. Each year, the state welcomes back 22,000 inmates. More than 40 percent are ar-

rested within two years.

"The last numbers we saw in the state on violent recidivist offenders was 48 percent, somewhere in that ballpark," Maj. Randy Tysinger told LEN. "The latest numbers we can see is our people re-offended at a rate of about 20 percent. That's not saying they're not doing shoplifting and stuff, but we're just looking at violent crime. That's the focus."

As part of the High Point program, prosecutors and police cull the files looking for prisoners who have a history of recidivism. They are notified that they must attend a reentry orientation session as part of their parole. The felonies are then brought to the police station to meet with local authorities, representatives of federal agencies, the state Bureau of Investigation, and probation and parole officials for the stick portion of the initiative.

"The facts are laid out there," said Tysinger. "You're being warned. If you commit more violent crime, we're going to do everything we can to see you're put in either state or federal prison," he said. "The only discussion here is going to be where can you get more time."

As a carrot, the department brings together clergy, local individuals who can help with housing and work, and counselors who offer their assistance in obtaining GEDs for the ex-inmates.

The program's aim is to remove the obstacles to prisoners living crime-free lives. And there are far more of those obstacles these days, noted Travis.

In a study released in May by the Sentencing Project, a Washington-based nonprofit agency, "invisible punishments" promoted as tough-on-crime laws are narrowing the chances of staying out of prison. These include the rejection of former drug-offenders from

public housing, and restrictions on employment and on education loans for those convicted of certain crimes. The right to drive a car may be limited, and parental rights terminated.

"These restrictions have increased significantly over the last two decades of the 20th century," said Travis, who wrote a chapter in the Sentencing Project's 355-page book, "Invisible Punishment: The Collateral Consequences of Mass Incarceration." He added: "It makes it much harder to get back on track, back on your feet and re-establish yourself in the work force and as a family member."

Arguably, said Travis, the laws arguably increase the rate of re-offending. "I think there is a lot of interest now in rethinking these collateral sanctions and they're trying to restrict some of their reach," he said.

In High Point, it is the private sector that is often called upon by police to extend itself. With ex-offenders not welcome in the city's public housing, said Tysinger, the department has reached out to landlords and property owners with some success. The toughest part of the program to fulfill right now, he said, is finding jobs for people.

With some money it is expecting from the federal government through the U.S. attorney's office, the department hopes to create a jobs program that would fund a six-month apprenticeship program for returning inmates.

"Not just make-work," said Tysinger. "You're not going to come and go to medical school, but there are trades out there," he said. "I'm in my 40s. If I had been a plumber, I probably could be retired already. Give them a skill and a career and not just a job."

When it has to, the agency will go begging, said Tysinger. It will ask the community to help out so that a first

month's rent on a home can be paid. "[You] must have community input, community involvement," he said.

An additional benefit has been the sharing of information between the cities in the state's Triad: High Point, Greensboro and Winston-Salem. Before the program, it was possible that a crime could be committed in one of those localities and the offender could hide out in another. Not anymore, said Tysinger. In 30 years of law enforcement, he said, there has never been a better working relationship among agencies.

While there is not yet enough long-term research on programs like High Point's to judge whether it is effective in keeping former offenders on the straight and narrow, Travis said there is no doubt that it and similar programs have been successful in pulling together disparate groups.

"There are new coalitions of people coming together — police, service providers, faith, community, risk-offender groups, job training programs — that have not been at the same table before working with people before they get out of prison," he said. "Conceptually, that's a very important breakthrough. It's a very new way of thinking about these issues."

Travis also pointed to another idea that has captured the interest of policymakers: Reentry courts.

Much like the drug courts that served as their model, reentry courts combine a wealth of support with the threat of criminal sanctions. In 2000, the Office of Justice Programs (OJP) provided federal assistance to reentry courts in California, Colorado, Delaware, Florida, Iowa, Kentucky, New York, and West Virginia. There are approximately 20 jurisdictions around the country that now have such programs in place.

The Allen County Reentry Court Initiative in Indiana was launched without federal funding in 2001 and has since become a national model. During its first 22 months of operation, only 12.5 percent of the 200 violent offenders released back to the county and the city of Fort Wayne committed another offense, compared to the 67 percent who re-offended prior to its creation, according to Deborah Daniels, the assistant attorney general who heads DJP.

"As a new mayor bringing a business background to the city of Fort Wayne, we asked, 'How can we significantly change what we're doing to better prevent and fight crime and to move toward our goal of having Fort Wayne be the safest city of its size in the country?'" said Mayor Graham Richard, who led the initiative along with Terry Donohue, a Fort Wayne native and senior Justice Department official, Allen County Superior Court Judge John F. Surbeck Jr., and the county's Community Corrections Director, Sheila Hudson.

Under Fort Wayne's program, county officials are notified of a prisoner's early release via the Community Transition Statute, a state law passed in 2000 that allows inmates to be freed early into community-supervised programs. The 12-month reentry court initiative is voluntary. Those who are accepted are electronically monitored. They meet with a case manager, undergo an intake assessment that includes an education and intelligence test, a personality assessment and an interview with a mental health therapist. The ex-offender is also assessed for psychopathy and other risk factors, including spouse abuse, substance abuse, sex offenses and violent behavior. The program excludes anyone convicted of murder or attempted murder.

Last year, 38 percent of offenders who returned to Fort Wayne had been convicted of drug charges, 29 percent for property offenses, 25 percent for crimes against persons, and 8 percent for public order crimes.

The court is run by Judge Surbeck, who sees the participants shortly after their early release. Within two weeks, he imposes a reintegration plan and meets with ex-offenders every two to six weeks.

"We signed a memorandum of understanding with all the appropriate authorities," Richard told LEN. "It's a very detailed relationship that gives authority to the judge because people are coming out early from the corrections system. The judge really does have the authority of the court to send someone back — and that's happened — to a prison. [It] does have clout during the period of time of parole."

One project that grew out of the court and is an integral part of the reentry program is an adult mentoring initiative that teams police with former offenders. Officers receive special training, said Richard, and actually meet each of the inmates who will be returning to Fort Wayne.

Like a parole officer, they know the individual and can serve as guides to job training, faith-based programs, housing assistance and other support services while still retaining the authority of the law, he said.

"We're clearly trying to help the individual re-enter and not have barriers to becoming self-reliant and self-sufficient," said Richard.

Still troubled, Detroit PD now looks to life under two DoJ consent decrees

A 30-month investigation by the Justice Department into the policies and practices of the Detroit Police Department ended in June with the city agreeing to two consent decrees, one that mandates changes in the use of force, and the other in the confinement of arrestees.

The city also agreed last month to a federal monitor who will oversee implementation of the provisions. Sheryl L. Robinson of the New York-based consulting firm Kroll Associates will lead a team and conduct regular compliance reviews for the court and the Justice Department. She will also have the authority to reopen any investigation into officers' actions deemed incomplete.

Working with Robinson will be Deputy Chief Cara Best, according to the department. Best was selected by Chief Jerry Oliver in June as the Department of Justice Internal Coordinator and will report directly to him on all issues relating to the decrees. Deadlines for compliance have been set within 60 to 90 days.

"This is not a federal takeover of the city of Detroit or the city of Detroit's police department," said Ralph F. Boyd Jr., assistant attorney general for civil rights.

According to Justice Department spokesman Jorge Martinez, as many as

a dozen departments around the country are operating under settlement or consent agreements. He was unsure, however, how many were being overseen by a monitor.

The agreement reflects the sea change in the Justice Department's attitude toward local police departments. Under Attorney General John Ashcroft, the agency has taken a more cooperative approach, working with municipal law enforcement instead of using the threat of legal action. In fact, there is far less outcry from both the department and the city's police union than there might have been in the past.

Marty Bandemer, president of the Detroit Police Officers Association, told The Associated Press that he hoped the accord would "serve to bring needed reform to the department."

When he first came to Detroit from Richmond, said Oliver, he believed that a memorandum of understanding would be enough to bring about whatever reforms were needed. During the past months, however, Oliver said that problems such as the disappearance of property from the property room, the arrest of witnesses and the disciplinary backlog would not be easily changed.

"We have a long way to go and this agreement will help us accelerate the process," he said in a statement.

The Detroit force has long been accused of making false arrests and illegally detaining people, as well as failing to adequately train its officers.

Indeed, on June 19, one week after the consent decrees were reached, 17 Detroit officers were indicted on federal charges of conspiring to violate individuals' constitutional rights. The officers are accused of conducting illegal searches, making unlawful arrests, using excessive force, planting evidence and filing false reports. The indictment also alleges that they stole money and drugs from suspects.

In 2000, then-Mayor Dennis Archer ordered the police department's homicide unit to work in conjunction with internal affairs investigators when probing officer-involved shootings. The policy shift was made in light of an FBI statistical analysis which found that Detroit led the nation's large cities in deadly police shootings. [See LEN, June 15, 2000.]

A report by The Detroit News that year found that from 1990 to 1998, the city averaged 10 police shootings a year. New York, which has more than seven times Detroit's population of 1 million, averaged 28 fatal shootings a year during the same period, The News said.

Moreover, The News reported, in nearly all the cases of fatal shootings

from 1995 through 2000, the officers involved were exonerated. In the most notorious case, one officer, Eugene Brown, killed three people in six years and wounded six others. In each case, police and prosecutors found he acted appropriately.

Among the requirements of the consent decree is that the department will rewrite its use-of-force policy, with an emphasis on "de-escalation techniques." It will also have to train officers in the use of an "intermediate force device," such as a baton. All arrests for probable cause will require a written review, and no arrests of material witnesses may be made in the absence of a court order.

The other decree, which deals with prisoner confinement, includes the development of fire detection and evacuation plans for holding cells, improvements in the cleanliness of cells, and a medical and mental health screening program.

Oliver has already put some of these initiatives in place, such as revising use-of-force training, and fixing the detention cells in precincts.

The biggest challenge, however, may be the cost to the city for all of the revamping. Although no estimates have been made, it could cost millions, Oliver told The Associated Press.

Criminal Justice Library

A study in black and white:

Daring to ask a very touchy question

Are Cops Racist?

By Heather MacDonald.

Chicago: Ivan R. Dee Inc., 2003.
192 pp., \$22.50.

By Patrick O'Hara

Heather MacDonald asks "Are Cops Racist?"

Her answer and, I think, the answer, is "no."

MacDonald's book raises another question: Are important political action groups invested in the image of law enforcement as racist?

Her answer, and again the answer, is "yes."

Finally, a third question comes up again and again in this book: Are we safer—better off—if the racist image of law enforcement becomes the "truth" about all law enforcement personnel, the tactics of their agencies and the goals of the criminal justice system?

MacDonald's answer is a resounding "No!"

MacDonald's gutsy book deserves to be read. You may not always agree with her—I sure don't—but she raises important questions that should be vigorously debated without resorting to nuclear rhetoric designed to preempt discussion.

Let's take the "Are cops racist?" question. Some cops are, most aren't. MacDonald seeks to get to the bottom of this issue by talking to individual cops. For the most part, cops—white, black, Latino and other—see the world in terms of good guys and bad guys. MacDonald points out that, in many urban neighborhoods, race or even ethnicity is irrelevant to distinguishing criminals from law-abiding folks because the neighborhood is ethnically homogeneous. When victims identify suspects as sharing their ethnicity, the ensuing police activities are not a consequence of nefarious racial or ethnic targeting. When a crime has just been committed, an investigation radiating outward from the scene will almost certainly first encounter and question individuals from the neighborhood's dominant ethnic group.

MacDonald's bottom line is that racism is neither necessary nor sufficient to explain most enforcement decisions by individual police officers. Even in those cases where the image of racism most firmly adheres—such as traffic stops by troopers on the New Jersey Turnpike—MacDonald argues that differential rates of traffic violation among ethnic groups may account for most of the disparate enforcement. Now the fact is that, in the 1980's and early 1990's, state and local police along the turnpike and parallel routes did use DEA drug-runner profiles, which included race and ethnicity among several factors in choosing which traffic violators to stop. This both worked—big drug busts were made—and didn't—people wrongly stopped sued the pants off of municipalities and the state,

(Patrick O'Hara is an associate professor in the Department of Public Management at John Jay College of Criminal Justice, City University of New York.)

and won big time. This caused law enforcement officials to rescind drug-runner profiling, although some cops carried on anyway—until a traffic stop of a van full of young African Americans ended with police gunfire, several wounded, widespread protests, and the resignation of the New Jersey state police chief.

The New Jersey history tells us this: organizations learn. Sometimes slowly, sometimes reluctantly, sometimes under pressure, but they learn.

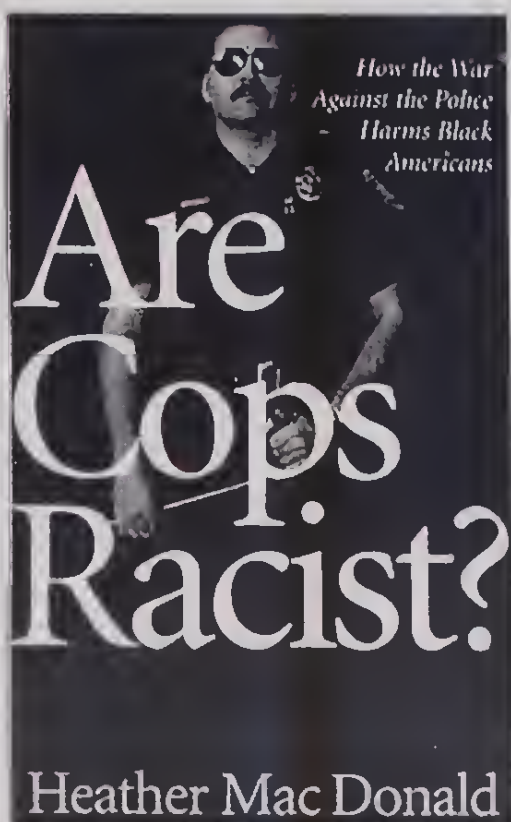
Bad strategies can be abandoned, even if the de facto abandonment lags behind the de jure abandonment, as happened with drug-runner profiling on the New Jersey Turnpike. Bad tactics can be modified—police shootings can and have been reduced dramatically by policy and procedure in New York City, as MacDonald points out, as well as elsewhere. Poor training that allows for abusive and disrespectful police encounters with the general citizenry can be replaced by good training, such as the Courtesy, Professionalism and Respect (CPR) regimen adopted by the New York City Police Department.

MacDonald argues that it is in strategies, tactics and training where the real gains are to be had in achieving high quality, non-discriminatory law enforcement.

Take the cops involved in the Amadou Diallo killing. On an official "take the guns off the street" mission, they mistook a wallet for a weapon, thought a stumbling comrade had been shot, responded with out-of-control tactics, and an innocent person died as a result. Mission, tactics and training are all implicated in this tragedy—for sure. Racism on the part of one or more of the officers may or may not be a factor. Yet, as MacDonald points out, anti-police activists are quick to argue that such officers, and their brethren, need to confront their inner racist selves before such mundane things as mission modification and changes in tactics can have any meaningful impact.

The paradox here is that the "confronting one's racism first" approach is more likely to perpetuate poor police response. No one likes to be told what his or her motives are. High on the list of non-starters for behavioral change are statements like "I know why you were really late for our meeting, or voted or against Joe's promotion, or arrested that Latino man." Human beings, including cops, rightfully resist those who presume to read their minds, impugn their motives, get most of it wrong, and then dictate a sure-fire fix of "right thinking" anyway.

The NYPD's CPR campaign, which MacDonald praises along with other



groundbreaking NYPD initiatives such as Compstat, is a better way to reshape police attitudes. Does CPR training possibly produce a reluctant and superficial change in an occasional bigoted cop without making him or her come to grips with the racist within? Sure. Does this program also effect a genuine change in behavior and attitude among the large majority of cops who harbor no such demons. Absolutely. Does the community—black, brown, white, gay, straight, transgendered—reap a benefit? Yes.

Which brings us to a key assertion by MacDonald—that communities of color are most likely to pay the price if the image of racism is allowed to taint

all law enforcement efforts involving minorities.

MacDonald points out that most crime in the U.S. is "within community," white on white, black on black, Latino on Latino. Any stated or unstated policy that has the effect of ramping down law enforcement efforts against a particular racial or ethnic group is likely to increase the rate of predation against that group. "Let them kill each other" is most certainly a racist policy when enunciated and practiced by individual cops. However, MacDonald reports that, in order to avoid being stung by allegations of "racist" law enforcement activity, cities such as Cincinnati and Baltimore have on occasion refrained from the vigorous pursuit of crime in minority communities, which are then rendered more vulnerable and less safe. Talk about institutional racism, and perverse unintended consequences!

This book is not without flaws. As a compilation of articles the author wrote from 1999 through 2002, the book has a thrown-together quality and at times conveys the feeling of an argument being made up—and modified—as time goes on. When 9/11 presented a nearly uniform terrorist profile with respect to national origin and religion, MacDonald pounced. The book's final two chapters, on terrorist threat and profiling, link back to the book's first two chapters, on police profiling and differential criminal behavior among ethnic groups. Thus MacDonald, who is definitely on the "pro" side of the profiling debate with regard to terrorism, weaves her belief in the appropriateness of profiling for terrorists into a general defense of law


enforcement profiling—so much so, in fact, that the book is open to criticism as an apologia for racial and ethnic profiling. That said, the potential for some measure of profiling to head off another 9/11 brings many issues surrounding law enforcement profiling into stark relief.

MacDonald also complains about how cop-bashing becomes political theater in the wake of high-profile cases involving minority suspects injured or killed at the hands of the police. Specifically, she bemoans the parade of prominent artists and politicians who lined up for misdemeanor arrests outside of New York's Police Headquarters in the wake of the Diallo shooting. MacDonald has a point. Big-name protest productions that demonize police in general sap public confidence in law enforcement and often force police into a bunker mentality that de-emphasizes crime fighting.

These protests, however, rest on principled pillars—one of which we must not change, and another of which we cannot easily change. The right of the people to assemble peaceably to petition for a redress of grievances is a bedrock of the constitution. Civil disobedience has a long history in the U.S. and was legitimized in the eyes of much of today's public by the civil rights and anti-war protests whose principles (and sometimes principals) fire the present-day protests that MacDonald laments as so damaging to law and order. In short, no one ought to prevent Al Sharpton, or anyone else for that matter, from assembling in front of police headquarters to protest, and no one can prevent individuals from choosing to go from protester to trespasser in order to invite arrest.

MacDonald is on more solid ground in excoriating the police reporting of the media, particularly The New York Times. She argues effectively that The Times adopts an anti-police template for

Continued on Page 14



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Agreeing to disagree with the ACLU

Continued from Page 11

talize. A number of terrorist threats and cells by bringing criminal charges, demonstrating that one of the most effective ways to catch terrorists is by cracking down on their criminal behavior.

Because terrorists operate at every level — from local to regional to global — the terrorist threat must be fought at every level. Success depends on an extensive network of partnerships and alliances. As a result of our presence in communities across the U.S. and in our 45 international legal attaché offices, the FBI already has the benefit of established relations with our partners in law enforcement. We have cultivated these relationships over time, and we must continue to expand and strengthen them.

Aside from its jurisdictional and organizational strengths, the FBI has another advantage that should not be underestimated — its people. The men and women of the FBI have the experience and the training to do their job within the framework of the Constitution. They are thorough, tireless and fully committed to protecting Americans and their civil liberties. When it comes to working within the limits of the law, the FBI has hard-won experience making the

difficult judgment calls that are sometimes necessary during investigations.

There have been mistakes in the past, but it is in response to those mistakes that the bureau has become better. Over the years, strict legal limita-

"The FBI will live up to its obligation to protect the citizens of the United States as well as the rights afforded to each citizen under our Constitution."

tions and vigorous oversight structures have been enacted to specifically regulate how domestic intelligence operations are conducted and enforce strict adherence to the Constitution. Of course, we have to continue to evolve and make changes and adjustments as necessary.

The FBI puts a premium on thoroughly training our special agents about their responsibility to respect the rights

and dignity of individuals. In addition to extensive instruction on constitutional law, criminal procedure and sensitivity to other cultures, every new FBI agent visits the Holocaust museum to see for themselves what happens when law enforcement becomes a tool for oppression.

We live in dangerous times, but we are not the first generation of Americans to face threats to our security. Like those before us, we will be judged by future generations on how we react to this crisis. And by that I mean not just whether we win the war on terrorism, because I believe we will, but also whether, as we fight that war, we safeguard for our citizens the very liberties for which we are fighting. So how do we prevent, deter or disrupt terrorist attacks before they have been initiated? How aggressively should the FBI investigate suspicious activity that might be related to terrorism? There are no easy answers. And these are precisely the issues that we wrestle with every day in the FBI.

The men and women who serve in the FBI are resolute in pursuing an investigation, and we do not shy away from using every tool that Congress has given us to protect Americans against

terrorism. Using those tools, we must concentrate on obtaining the facts and presenting them in an objective, unbiased manner to prosecutors, to our oversight committees, and to decision-makers who forge policy and legislation.

As we seek this information and these facts to prevent future terrorist attacks, the FBI will live up to its obligation to protect the citizens of the United States as well as the rights afforded to each citizen under our Constitution. In our free and open society, there is no guarantee that there will never be another terrorist attack. Therefore, we must thoroughly investigate every threat, whether at home or abroad, while carefully observing the Consti-

tutional rights of all.

The ACLU seeks to prevent the "tyranny of the majority" from destroying our fundamental liberties. But in fighting terrorists, we seek to prevent the "tyranny of the minority" from destroying our fundamental way of life. The FBI will be judged not just on how we effectively disrupt and deter terrorism, but also on how we protect the civil liberties and the Constitutional rights of all Americans, including those who wish us ill. We must accomplish both, so that future generations can enjoy lives that are both safe and free. The FBI is dedicated to protecting Americans, and America's freedoms, and we will.

Daring to ask a touchy question

Continued from Page 13

reporting on police-community affairs and lionizes anti-police protesters. This strengthens the hand of anti-police activists, whose critiques get aired even in reports about a police-community picnic in Brooklyn.

MacDonald also scores The Times for police reporting that is sloppy, recycled, and erroneous. Having just experienced a major scandal of its own, which featured unethical and fabricated reporting, perhaps The Times will be better able to comprehend that organizations in general, even police organizations, can make mistakes without being fundamentally flawed. Thus, the story of the police is not one of simmering subsurface racism that bubbles up every so often in the form of profil-

ing and brutality, just as the story of the media, and The New York Times, is not one of persistent subterfuge that comes to light occasionally through a Jayson Blair.

This well written book makes us think about law enforcement — how it is practiced, responded to by the citizenry, and reported on by the media. No tough issues are ducked, and MacDonald isn't shy about coming down squarely on one side or another of a given issue. If you care about law enforcement, community-police relations and how best to work through instances where civil rights, individual rights and community safety collide, then, whether you agree with MacDonald or not, you should find this book stimulating.

Headlines are not enough

Affirmative-action programs looking a little black & blue
How much force is too much?
The jury is still out on community policing
It's a mother's word on police use of excessive force
Sculpting the officer of the future
Time to rethink academy & field training
Maternity-leave

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Law Enforcement News

(73103)

A publication of John Jay College of Criminal Justice/CUNY

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PACE — the Police Association for College Education — is a nonprofit organization dedicated to improving policing by achieving a nationwide minimum educational level of a four-year college degree for officers, as recommended by national commissions and the federal courts.

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Upcoming Events

AUGUST

21-22. Terrorist Incidents: Pre- & Post-Planning. Presented by the International Association of Chiefs of Police. Westmont, Ill.

23. Expanded Tactical Folding Knife Course. Presented by Northeastern Tactical Schools. Northboro, Mass

24-29. Health & Wellness Retreat for Police Officers. Green Lake, Wis. \$495 (includes lodging, three meals per day and registration fee)

25-28. Planning, Designing & Constructing Police Facilities. Presented by the International Association of Chiefs of Police. Centerville, Ohio.

25-29. Crime Analysis Training. Presented by the Alpha Group for Crime & Intelligence Analysis Training. Fort Benning, Ga. \$525

25-29. SWAT III: Progressive Tactical Operations. Presented by the International Association of Chiefs of Police. Bellingham, Wash

25-29. Less-Lethal Weapons Instructor Re-Certification. Presented by the International Association of Chiefs of Police. White Bear Lake, Minn

28-29. Conducting Effective Employment Interviews. Presented by the International Association of Chiefs of Police. Lake Zurich, Ill.

28-29. Combating Workplace Violence. Presented by the International Association of Chiefs of Police. Meriden, Conn.

SEPTEMBER

3-6. 2003 North American Police Soccer Championships. Hosted by New York's Finest, the New York Police Department's soccer team. Uniondale, N.Y.

8-10. Low Light Survival Shooting Instructor Course. Presented by Streamlight Academy. Alexandria, La. \$350.

8-10. Dispute Resolution for Law Enforcement Executives. Presented by the International Association of Chiefs of Police. Nashua, N.H.

8-10. Internal Affairs: Legal & Operational Issues. Presented by the International Association of Chiefs of Police. Lake Zurich, Ill.

8-10. First-Line Supervision. Presented by the International Association of Chiefs of Police. Trenton, N.J.

8-12. Statement Analysis, Interview & Interrogation Techniques Training. Presented by the Alpha Group for Crime & Intelligence Analysis Training. Miami, Fla. \$525.

8-12. SWAT I: Basic Tactical Operations & High-Risk Warrant Service. Presented by the International Association of Chiefs

of Police. Concord, N.H.

8-12. Criminal Investigative Analysis (Criminal Profiling). Presented by the Alpha Group for Crime & Intelligence Analysis Training. Ocala, Fla. \$525.

10-12. Criminal Investigative Techniques I. Presented by the International Association of Chiefs of Police. Oswego, N.Y.

11-12. Risk Management & Critical Policy Development for Law Enforcement. Presented by Pennsylvania State University. Lakewood, N.J. \$275.

13. Expanded Tactical Folding Knife Course. Presented by Northeastern Tactical Schools. Simsbury, Conn.

15-17. Criminal Investigative Techniques II. Presented by the International Association of Chiefs of Police. Oswego, N.Y.

15-19. Criminal Intelligence Analysis Training. Presented by the Alpha Group for Crime & Intelligence Analysis Training. East Hartford, Conn. \$525.

15-19. Executive & Dignitary Protection. Presented by the International Association of Chiefs of Police. Freehold, N.J.

15-19. SWAT III: Progressive Tactical Operations. Presented by the International Association of Chiefs of Police. Concord, N.H.

16-21. Certified Security Trainer & Manager Program. Presented by the Executive Protection Institute. Berryville, Va. \$1,495.

17-19. Effective Recruitment Techniques. Presented by the International Association of Chiefs of Police. Wellston, Mo.

17-19. High Impact Supervision. Presented by Pennsylvania State University. Independence, Ohio. \$375

18-19. Combating Underage Drinking. Presented by the International Association of Chiefs of Police. Burlington Twp., N.J.

18-19. Racial & Criminal Profiling. Presented by the International Association of Chiefs of Police. Alexandria, Va.

20. Expanded Tactical Folding Knife Course. Presented by Northeastern Tactical Schools. Simsbury, Conn.

22-23. Mentoring for the Retention of Public Safety Personnel. Presented by the International Association of Chiefs of Police. St. Louis.

22-23. Preventing & Reducing Elderly Victimization. Presented by the International Association of Chiefs of Police. Nashville.

22-24. Low Light Survival Shooting Instructor Course. Presented by Streamlight Academy. Salt Lake City. \$350.

22-24. Investigation of Computer Crime. Presented by the International Association of Chiefs of Police. Centerville, Ohio.

22-24. Tactical Science & the Decision-

Making Process. Presented by the International Association of Chiefs of Police. Chesterfield, Va.

22-26. Crime Analysis Training. Presented by the Alpha Group for Crime & Intelligence Analysis Training. West Yorkshire, England. \$625.

22-26. Criminal Investigative Analysis (Criminal Profiling). Presented by the Alpha Group for Crime & Intelligence Analysis Training. Brampton, Ont., Canada. \$525.

24-26. High Impact Supervision. Presented by Pennsylvania State University. Lakewood, N.J. \$375.

28-Oct. 3. Advanced Criminal Investigative Analysis (Criminal Profiling). Presented by the Alpha Group for Crime & Intelligence Analysis Training. Brampton, Ont., Canada. \$525.

29-30. Investigation of Incidents of Excessive/Deadly Force by Police. Presented by the International Association of Chiefs of Police. Boston.

29-30. Risk Management for Law Enforcement Executives. Presented by the International Association of Chiefs of Police. Valley, Ala.

OCTOBER

1-3. Civil Disorder II: Command Strategies. Presented by the International Association of Chiefs of Police. Boston.

1-3. Advanced Supervision Skills. Presented by the International Association of Chiefs of Police. Chesterfield, Va.

1-3. Low Light Survival Shooting Instructor Course. Presented by Streamlight Academy. Houston. \$350.

2-3. Psychology of Drug-Induced Violence. Presented by the International Association of Chiefs of Police. Meriden, Conn.

5-6. Combating Workplace Violence. Presented by the International Association of Chiefs of Police. Nashville.

6-7. Terrorist Incidents: Pre- & Post-Planning. Presented by the International Association of Chiefs of Police. Aurora, Colo.

We're Making a List...

Listings in the Upcoming Events section of LEN are free, on a first-come, first-served basis. Please mail, fax or e-mail items to Upcoming Events, LEN, 555 W. 57th St., New York, NY 10019.

For further information:

Addresses & phone/fax numbers for organizations listed in calendar of events.

Alpha Group Center for Crime & Intelligence Analysis Training, P.O. Box 8, Montclair, CA 91763. (909) 989-4366 Fax (909) 476-8271 Web <www.alphagroupcenter.com>

Executive Protection Institute, Highlander Lodge, P.O. Box 802, Berryville, VA 22611 (540) 554-2540.

Health & Wellness Retreat, c/o Capt. Cheri Maples, Madison Police Dept., (608) 266-6234 Fax: (608) 266-4855. E-mail <cmayles@cityofmadison.com>.

Institute for Law Enforcement Administration, 5201 Democracy Dr., Plano, TX 75024 Web <222.thelca.org>.

International Association of Chiefs of Police, 1-800-THE-IACP. Fax: (703) 836-4543.

New York's Finest, 1014 Rosegold St., Franklin Square, NY 11010 E-mail <tournament@nypdsoccer.com> Web: <www.nypdsoccer.com>

Northeastern Tactical Schools, P.O. Box 591, Nutting Lake, MA 01865. (978) 667-5591

Pennsylvania State University, Penn State Justice & Safety Institute, (814) 863-0079

Southern Police Institute, University of Louisville, (502) 852-6561 Fax (502) 852-0335 Web <www.louisville.edu/a-s/ja/spi>

Streamlight Academy, 1-800-393-0705 Email: <info@shirazmarketing.com> Web: <www.streamlight.com>.

Don't even look like you're dealing drugs

The Tampa Police Department is moving slowly with a new city law that allows officers to arrest individuals who seem as if they are dealing drugs — even if they are not.

The "precursor acts to illicit drug activity" ordinance was passed unanimously in February by the City Council following complaints from business owners that drug traffic was scaring away customers. Residents had also complained that some intersections were so thick with dealers that they could not drive through. Violations carry a fine of \$500 and a maximum punishment of either 60 days in jail or six months probation.

The law defines precursor acts as the passing of small objects or packages in exchange for money while behaving in a furtive manner, entering and exiting different vehicles at least two or more times, or staying in vehicles for a short time and then returning to the area where they were entered.

Before making an arrest, however, police must have knowledge of at least one of several factors, including drug activity in the neighborhood, a suspect's involvement with drugs, drug use that is "readily observable" on the suspect, and the individual running from police or hiding himself or anything involved in suspected drug activity. They can also pick up those who return to a "high drug activity" area after having been ordered to keep away by the court, and those who direct others in precursor acts.

Suspects have the chance to dispel the officer's belief before being arrested, too — if a legitimate purpose can be given, for example.

"We find them involved in what we consider to be precursor acts and we give them an opportunity to explain those actions," said Kirby Rainsberger, the police department's legal adviser. "If that explanation is satisfactory, they're given a written warning."

The warning is good for one year. If the person is approached a second time and can explain it away again, the warning would still be in effect, Rainsberger told Law Enforcement News.

Of the 493 arrests made in May during a 12-day crackdown on low-level drug dealing, prostitution and probation violators in East Tampa, none stemmed from violations of the ordinance. But

police have made at least one arrest based on it.

In March, Gregory Logan, 24, sold two-tenths of a gram of cocaine to an undercover officer. Police wrote him a warning, but did not charge him with selling drugs at the time. The following month, he was again engaged in selling drugs, and was charged with violating the precursor-acts ordinance and possessing cocaine.

Rainsberger said there has not yet been a court ruling on the law's constitutionality. A similar 1988 ordinance in Tacoma, Wash., was challenged by the American Civil Liberties Union and a Pierce County public defender, Dino Sepe. The state Supreme Court upheld the law but narrowed it, requiring authorities to prove that a suspect intended to deal drugs while loitering.

"They look away problems I saw with it," Sepe told The St. Petersburg Times. "By narrowing it, it's harder for police to justify any kind of arrest or stop someone on the street. Police have to show something more now than they did before... It's not used as much."

Tampa's ordinance will be enforced by 10 officers from the department's 40-member Quick Uniform Attack on Drugs (QUAD) unit. The team was created in 1989 to combat the city's outdoor drug markets. Undercover officers will be used in some cases, said Capt. Marion Lewis, the unit's commander.

"We're going very slow with this... We're going to make sure it's not being abused," he told The Times.

While critics have charged that the ordinance could be used to target minorities, Rainsberger dismissed those concerns.

"One of the factors considered is whether this activity is taking place within a statistically high-crime area," Rainsberger told LEN. "Frankly, in Tampa, yes, those tend to be black areas. Not exclusively, but they tend to be. In Tampa, the street corner drug dealers tend to be black. I can't help that, it's the way things are in the city of Tampa. So statistically, yes, I expect the majority of arrests made as a result of this ordinance will be African-American because that's who's doing the street-corner transactions to a large extent."

"Does that make this thing racist?" he continued. "Absolutely not."

Something stinks about new crime crackdown by LA sheriff

Skunk Shot, a repellent that reeks of concentrated skunk odor, not only repels animals but also apparently repels prostitutes, drug dealers, arsonists and other criminals that Los Angeles County sheriff's deputies want to keep out of abandoned buildings and other gathering areas within the city of Compton.

During a two-week stretch in January and February, Lt. Shaun Mathers and his unit made 30 arrests at an abandoned motel after dabbing some of the noxious-smelling gel on the armchairs and other furniture in the building. Several hours later, when the deputies returned, the flophouse was still empty.

"At least for that short time," Mathers wrote in a report, Skunk Shot "was able to do what fences, gates and barbed wire" along with multiple arrests, could not.

The unit hit upon the approach during a brainstorming session. Deputy Scott Gage had brought up the idea of using stink bombs. They proved to be not quite smelly enough to dispel the loiterers. While searching online, Mathers found Skunk Shot, which was developed by scientists in New Zealand. They knew they were on to something after the first tube arrived at Gage's home. His wife let out a scream after opening the package.

"It contaminated the whole garage," the deputy said.

Mathers' strategy has not gone unnoticed by the brass. Said Sheriff Lee Baca: "We're in a time when people don't want to hear excuses, and if we can come up with ways to fix a problem, ways as ingenious as this, my hat is off" to the members of the unit.

Skunk Shot not only stinks, it is also

non-toxic and non-flammable. With only a little dab necessary to do the trick, a \$12 tube contains enough to skunk five locations. Gage has already spent \$100 of his money on the stuff.

At one site, the unit came upon a stubborn band of squatters who tried to counteract the repellent with a smelly substance of their own — Glade. But the auto air fresheners and other products could not overcome the stench from Skunk Shot.

Gage credits the substance with cutting back the number of squatters by as much as two-thirds. The strategy is particularly appealing because of the high risk officers face when they enter boarded-up buildings in near total darkness. Skunk Shot poses no threat to the health of either deputies or perpetrators. The only drawback, he said, is that it does not last longer.

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July 31, 2003



Begging the question:

No easy answers
to the tricky (and
growing) problem
of aggressive
panhandling.
Page 1.

Gimme a brake!

Dodge Intrepids are
the latest police cruisers
to show signs of problems.
Page 4.

Agreeing to disagree:

FBI chief Mueller talks
turkey with the ACLU.
Forum, Page 11.

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What They Are Saying:

"It is very easy for police to be perceived as being draconian, heavy-handed and unsympathetic to the plight of the poor"

— Justice Department consultant Michael Scott, on the difficult of crafting policies and procedures to address the issue of panhandling. (Story, Page 1.)